琉球大学学術リポジトリ

米国管理下の南西諸島状況雑件　沖縄関係　一般重要案件(3)

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次要料

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佐藤ジョンソン共同声明、会談内容及び資料

総理府特別地方指定にあらず

日米共同声明（案）

大統領と総理大臣は、日本が潜在主権を保有する琉球及び小笠原諸島に関連する諸問題に関し、意見を交換した。総理大臣は、これら諸島の　　日本への返還に関し強い希望を表明するとともに、あわせて沖縄住民の安寧と福祉の増進に関する日本国民の強い関心を表明した。この申出に対し、大統領は、施政权返還の問題について深い理解と協力を示し、また、沖縄住民の意思を尊重し、自治権の拡大、経済援助の強化等のため、さらに努力することを確言し、さらに、これらのことがらを具体化するために両国政府

が継続的に協議を開始することに意見の一致をみた。

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沖縄はサンフランシスコ平和条約第3条によって米国が施政を行なっているが、沖縄は日本々土の一部であり、また沖縄住民は日本国民であり、日本々土と言語、風俗、習慣を同じくし、その生活は日本々土と一体をなしている。

日本政府としてはその住民の安寧と福祉の向上については常に重大な関心を有するものである。以上の見地から私は、沖縄の施政権の返還問題を含む次の諸点について大統領の特別の御配慮を煩わしたい。

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1 施政権の返還について

施政権の返還問題は、沖縄住民はもとより、日本国民の多年にわたる熱心な願望であり、また米国としても将来これを返還することを約束している。私はその時期が一日も速やからんことを希望するものである。

2 自治権の拡大について

沖縄の施政権返還をみるまでの間、沖縄の自治権を漸次拡大し、琉球政府の行政能力の充実向上をはかる必

要があり、これがためには現行大統領行政命令を再検討され、所要の改正を行なう必要があるが、当面の問題点を述べると次のとおりである（別紙資料参照）

(イ) 布告、布令事項の規制

(ロ) 主席公選制の実施

沖縄における選挙制を確立しつゝ公選制を実施する。

(ハ) 基地の運営に直接かつ重要な関係のない行政事務を琉球政府に完全に委任すること。

（琉球政府の行政能力をたかめるため、局長の特別職制の廃止、副主席

の複数制の採用等行政行政機構を改革する。）

(ニ) 市町村の行財政能力を充実し、その自治能力を高めること。

（教育税、教育区制度の廃止、琉球政府の事務をできるだけ市町村に委譲し、これに伴って、市町村の財源を強化する。）

3. 民政府が行政を行なうにあたっては、日本本土の行政制度を十分考慮に入れること。

(イ) このため、米民政府に日本の行政アドヴァイザーを置くこととする。

(ロ) 日本の南方連絡事務所の機能を強化する。

琉球政府に技術的援助を与えうるようにする。

4 日米経済援助の強化

琉球諸島と日本本土との住民福祉の格差を解消するため、日本の経済援助を強化し、これが計画的実施をはかるものとする。

5 以上の問題を具体的に解決するため、日米の継続的話し合いを可能とする機関を設けること。

6 小笠原に対する施政権返還及びそれまでの間之島民の帰島墓参等の手続を図ること。

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資　料

1　自治権の拡大

琉球政府に対する権限の委譲等による自治権の拡大等は、既に約三年前のケネディ大統領の声明によって約束されているが、これは十分な効果をあげていないように見受けられる。

米側においては、沖縄住民の自治権拡大の要望について十分な検討を行ない、速やかに実効があがるように希望する。

なお、自治権の拡大を希望するもの中で前記以外のものを掲げると次のとおりである。

(1)　琉球政府副主席及び各局長の任命権の行政主席への委譲

(2)　布告、布令事項の規制

(3)　電力、水道、開発金融各公社の琉球政府への委譲、委譲が困難なときは理事の任命について琉球政府代表を増加すること。

(4)　琉球銀行の監督権の琉球政府への委譲

(5)　旧沖縄県財産の管理権の委譲

(6)　米民政府の琉球政府に対する事前事後の調整事務の簡素化

(7)　琉球政府裁判所の刑事裁判権の拡大

(8) 出版物許可制の廃止

(9) 日本本土と沖縄との間の渡航制限の緩和

一度許可されたものは一定期間内は自由に渡航できるように改めること。

(10) 沖縄地域内における国旗(日の丸)掲揚の自由

公共建物についても常時掲揚できるように改めること。

(11) 日本本土籍者の沖縄への転籍の許可制廃止

(12) 沖縄住民の海外渡航に当り発せられる身分証明書における身分の表示を「琉球人」から「日本人」に改めること。

13. 海外旅行者が沖縄に立寄る際は72時間以内な入域の許可を要しないことと改めること。

2　経済援助について

沖縄の公衆衛生、社会福祉及び教育の水準が本土相当地域にまで引き上げられることは、ケネディ大統領声明において約束されていることであるが、現状においては、今なお、かなりの格差があるように見受けられる。

このような状態で推移するならば、本土相当地域との格差を是正することは到底不可能と思われるので、この際一定期間の目標を定め、その期間内に格差是正の方策が講ぜられるように措置されたい。また、このためプライス法の改正等により援助額が増額されることを要望

する。

なお、資料として末尾に (1) 沖縄と日本本土相当地域との行政費の比較、(2) 社会福祉及び教育　を添付した。

3　国土開発について

国土開発については、現在十分な計画がないように見受けられるが、かつて日本政府及び米国政府より派遣された調査団による調査結果を参考として総合的な国土開発計画を前進させる必要があると思われる。

離島行政の困難性が沖縄における各

分野の改善を困難ならしめている原因の一つと思われるので、開拓、干拓等による農地の造成によって移住を促進し、生活の集団をつくり、これに文化施設を集中することは沖縄住民の福祉向上に役立つものと思われる。幸い日本は農業土木技術に優れているので、その際はこれに協力したい。

4　沖縄に対する講和発効前補償の促進

日米国政府において、沖縄に対する講和発効前の補償の検討が行なわれている由であるが、これは沖縄住民多年の願望であるのでその促進方について特別の配慮をお願いする。

(別添)

沖縄と日本本土相当県との行政費の比較

(本土各県 昭37年分、沖縄 1963会計年分)

	人口 (千人)	純計財政規模(決算額) (千円)
沖縄	908	(5,683,000 F.C) 19,326,000
高知	836	29,244,000
徳島	830	25,881,000
香川	907	24,532,000
愛媛	1473	39,625,000
島根	868	28,644,000
鳥取	593	20,683,000
宮崎	1118	33,121,000

(注)沖縄には国政事務に要する経費が含まれている。

(別添3)

社会福祉及び教育

(1) 社会福祉

沖縄においては、生活保護法、身体障害者福祉法、児童福祉法等の福祉法令はおいむね日本本土並みに整備されているが、その他の社会保障制度殊に医療保険制度の欠如することは、沖縄住民の安寧と福祉にとつて大きな障害となつている。すみやかにこの制度の創設が望ましい。

(別添3)

(2) 教育

学校教育備品、就中図書、体育備品、理科教材等本土と較べ相当の遜色があるので、その充実が望ましい。

Public Law 480 - 83d Congress
Chapter 469 - 2d Session
S. 2475

AN ACT

To increase the consumption of United States agricultural commodities in foreign countries, to improve the foreign relations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Development and Assistance Act of 1954".

SEC. 2. It is hereby declared to be the policy of Congress to expand international trade among the United States and friendly nations, to facilitate the convertibility of currency, to promote the economic stability of American agriculture and the national welfare, to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States, and to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States by providing a means whereby surplus agricultural commodities in excess of the usual marketings of such commodities may be sold through private trade channels, and foreign currencies accepted in payment therefor. It is further the policy to use foreign currencies which accrue to the United States under this Act to expand international trade, to encourage economic development, to purchase strategic materials, to pay United States obligations abroad, to promote collective strength, and to foster in other ways the foreign policy of the United States. (7 U.S.C. 1691)[1]

TITLE I--SALES FOR FOREIGN CURRENCY[2]

SEC. 101.[3] In furtherance of this policy, the President is authorized to negotiate and carry out agreements with friendly nations or organizations of friendly nations to provide for the sale of surplus agricultural commodities for foreign currencies. In negotiating such agreements the President shall--

[1] Section 2, Public Law 86-472 [H.R. 11510], 74 Stat. 134, approved May 14, 1960, amended Sec. 2 of the Mutual Security Act of 1954, as amended (22 U.S.C. 1750), to add subsection (f) as follows:

"(f) It is the sense of the Congress that inasmuch as—(1) the United States favors freedom of navigation in international waterways and economic cooperation between nations; and (2) the purposes of this Act are negated and the peace of the world is endangered when nations which receive assistance under this Act wage economic warfare against other nations assisted under this Act, including such procedures as boycotts, blockades, and the restriction of the use of international waterways; assistance under this Act and the Agricultural Trade Development and Assistance Act of 1954, as amended, shall be administered to give effect to these principles, and, in all negotiations between the United States and any foreign state arising as a result of funds appropriated under this Act or arising under the Agricultural Trade Development and Assistance Act of 1954, as amended, these principles shall be applied, as the President may determine, and he shall report on measures taken by the Administration to insure their application.

[2] Sec. 3, Public Law 962, 84th Congress, [S. 3903], 70 Stat. 988, approved August 3, 1956, reads as follows:

"Sales of fresh fruit and the products thereof under title I of the Act shall be exempt from the requirements of the cargo preference laws (Public Resolution 17, Seventy-third Congress, (15 U.S.C. 616a) and section 901 (b) of the Merchant Marine Act, 1936, (46 U.S.C. 1241 (b))."

[3] Public Law 85-128, [S. 1314], 71 Stat. 345, approved August 13, 1957, 7 U.S.C. 1704(a), provides that: "Within sixty days after any agreement is entered into for the use of any foreign currencies, a full report thereon shall be made to the Senate and House of Representatives of the United States and to the Committees on Agriculture and Appropriations thereof."

Prepared for distribution by Foreign Agricultural Service, USDA.

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As amended through September 27, 1962. Originally enacted July 10, 1954, (68 Stat. 454)

Public Law 480 - 83d Congress
Chapter 469 - 2d Session
S. 2475

AN ACT

To increase the consumption of United States agricultural commodities in foreign countries, to improve the foreign relations of the United States, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Agricultural Trade Development and Assistance Act of 1954".

SEC. 2. It is hereby declared to be the policy of Congress to expand international trade among the United States and friendly nations, to facilitate the convertibility of currency, to promote the economic stability of American agriculture and the national welfare, to make maximum efficient use of surplus agricultural commodities in furtherance of the foreign policy of the United States, and to stimulate and facilitate the expansion of foreign trade in agricultural commodities produced in the United States by providing a means whereby surplus agricultural commodities in excess of the usual marketings of such commodities may be sold through private trade channels, and foreign currencies accepted in payment therefor. It is further the policy to use foreign currencies which accrue to the United States under this Act to expand international trade, to encourage economic development, to purchase strategic materials, to pay United States obligations abroad, to promote collective strength, and to foster in other ways the foreign policy of the United States. (7 U.S.C. 1691)[1]

TITLE 1—SALES FOR FOREIGN CURRENCY[2]

SEC. 101.[3] In furtherance of this policy, the President is authorized to negotiate

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PL 480 (Title IV) agreement will be signed within 2 or 3 days between U.S.G. & G.R.I. The agreement covers U.S. Fiscal yrs. 1966 & 1967.

Total amount = $ 3.5 million.

Commodities involved = cotton, tobaco, wheat, corn, vegetable oils.

12/22 経済局・アジア課
本田氏に連絡了.

(a) take reasonable precautions to safeguard usual marketings of the United States and to assure that sales under this Act will not unduly disrupt world prices of agricultural commodities or normal patterns of commercial trade with friendly countries;[4]

(b) take appropriate steps to assure that private trade channels are used to the maximum extent practicable both with respect to sales from privately owned stocks and from stocks owned by the Commodity Credit Corporation;

(c) give special consideration to utilizing the authority and funds provided by this Act, in order to develop and expand continuous market demand abroad for agricultural commodities, with appropriate emphasis on underdeveloped and new market areas;

(d) seek and secure commitments from participating countries that will prevent resale or transshipment to other countries, or use for other than domestic purposes, of surplus agricultural commodities purchased under this Act, without specific approval of the President; and

(e) afford any friendly nation the maximum opportunity to purchase surplus agricultural commodities from the United States, taking into consideration the opportunities to achieve the declared policy of this Act and to make effective use of the foreign currencies received to carry out the purposes of this Act.

(f)[5] obtain rates of exchange applicable to the sales of commodities under such agreements which are not less favorable than the rates at which United States Government agencies can buy currencies from the United States disbursing officers in the respective countries. (7 U.S.C. 1701)

SEC. 102.[6] (a) For the purpose of carrying out agreements concluded by the President hereunder, the Commodity Credit Corporation, in accordance with regulations issued by the President pursuant to subsection (b) of this section, (1) shall make available for sale hereunder to domestic exporters surplus agricultural commodities heretofore or hereafter acquired by the Corporation in the administration of its price-support operations, and (2) shall make funds available to finance the sale and exportation of surplus agricultural commodities, whether from private stocks or from stocks of the Commodity Credit Corporation. In supplying such commodities to exporters under this subsection the Commodity Credit Corporation shall not be subject to the sales price restrictions in section 407 of the Agricultural Act of 1949, as amended.[7] The commodity set-aside established for any commodity under section 101 of the Agricultural Act of 1954 (68 Stat. 897)[8] shall be reduced by a quantity

[4]The words "or normal patterns of commercial trade with friendly countries;" added by Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958.

[5]Added by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961.

[6]Sec. 8 of Public Law 85-931, 72 Stat. 1792, approved September 6, 1958, provides as follows:
"In carrying out the provisions of the Agricultural Trade Development and Assistance Act of 1954, as amended, extra long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act in the same manner as upland cotton or any other surplus agricultural commodity is made available, and products manufactured from upland or long staple cotton shall be made available for sale pursuant to the provisions of title I of the Act as long as cotton is in surplus supply, and no discriminatory or other conditions shall be imposed which will prevent or tend to interfere with their sale or availability for sale under the Act: *Provided*, That that portion of the sales price of such products which is financed as a sale for foreign currency under title I of the Act shall be limited to the estimated portion of the sales price of such products attributable to the raw cotton content of such products."

[7]7 U.S.C. 1427

[8]7 U.S.C. 1741

equal to the quantity of such commodity financed hereunder which is exported from private stocks.[9]

(b) In order to facilitate and maximize the use of private channels of trade in carrying out agreements entered into pursuant to this Act, the President may, under such regulations and subject to such safeguards as he deems appropriate, provide for the issuance of letters of commitment against funds or guaranties of funds supplied by the Commodity Credit Corporation and for this purpose accounts may be established on the books of any department, agency, or establishment of the Government, or on terms and conditions approved by the Secretary of the Treasury in banking institutions in the United States. Such letters of commitment, when issued, shall constitute obligations of the United States and moneys due or to become due thereunder shall be assignable under the Assignment of Claims Act of 1940.[10] Expenditures of funds which have been made available through accounts so established shall be accounted for on standard documentation required for expenditures of Government funds. (7 U.S.C. 1702)

SEC. 103. (a) For the purpose of making payment to the Commodity Credit Corporation to the extent the Commodity Credit Corporation is not reimbursed under section 105 for commodities disposed of and costs incurred under titles I and II of this Act, there are hereby authorized to be appropriated such sums as are equal to (1) the Corporation's investment in commodities made available for export under this title and title II of this Act, including processing, packaging, transportation, and handling costs, (2) all costs incurred by the Corporation in making funds available to finance the exportation of surplus agricultural commodities pursuant to this title and, (3) all Commodity Credit Corporation funds expended for ocean freight costs authorized under title II hereof for purposes of section 416 of the Agricultural Act of 1949, as amended. Any funds or other assets available to the Commodity Credit Corporation may be used in advance of such appropriation or payments, for carrying out the purposes of this Act.[11]

(b) Agreements shall not be entered into under this title during the period beginning January 1, 1962, and ending December 31, 1964, which will call for appropriations to reimburse the Commodity Credit Corporation in a total amount in excess of $4,500,000,000: *Provided*, That agreements shall not be entered into during any

[9]This subsection was revised by Public Law 25, 84th Congress, [S. 752], 69 Stat. 44, approved April 25, 1955. It formerly read as follows:
"For the purpose of carrying out agreements concluded by the President hereunder, the Commodity Credit Corporation, in accordance with regulations issued by the President pursuant to subsection (b) of this section, (1) shall make available for sale hereunder at such points in the United States as the President may direct surplus agricultural commodities heretofore or hereafter acquired by the Corporation in the administration of its price support operations, and (2) shall make funds available to finance the sale and exportation of surplus agricultural commodities from stocks owned by the Corporation or pledged or mortgaged as security for price support loans or from stocks privately owned if the Corporation is not in a position to supply the commodity from its owned stocks: *Provided*, That to facilitate the use of private trade channels the Corporation, even though it is in a position to supply the commodity, may finance the sale and exportation of privately owned stocks if the Corporation's stocks are reduced through arrangements whereby the private exporter acquires the same commodity of comparable value or quantity from the Commodity Credit Corporation. In supplying commodities to private exporters under such arrangements Commodity Credit Corporation shall not be subject to the sales price restriction in section 407 of the Agricultural Act of 1949, as amended."

[10]31 U.S.C. 203; 41 U.S.C. 15.

[11]Section 103(a)(3) added by Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956.

calendar year of such period which will call for appropriations to reimburse Commodity Credit Corporation in amounts in excess of $2,500,000,000.[12] (7 U.S.C. 1703)

SEC. 104. Notwithstanding Section 1415 of the Supplemental Appropriation Act, 1953,[13] or any other provision of law, the President may use or enter into agreements with friendly nations or organizations of nations to use the foreign currencies, including principal and interest from loan repayments, which accrue under this title for one or more of the following purposes:[14]

(a) To help develop new markets for United States agricultural commodities on a mutually benefiting basis. From sale proceeds and loan repayments under this title not less than the equivalent of 5 per centum of the total sales made each year under this title after the date of this amendment shall be set aside in the amounts and kinds of foreign currencies specified by the Secretary of Agriculture and made

[12]Section 103(b) effective January 1, 1962, as amended by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961. Previous authorizations are as follows:

Authority	*Approved*	*Amount added*	*Terminal date*
Public Law 480, 83rd Congress	July 10, 1954	$700 million	June 30, 1957
Public Law 387, 84th Congress	August 12, 1955	$800 million	June 30, 1957
Public Law 962, 84th Congress	August 3, 1956	$1.5 billion	June 30, 1957
Public Law 85-128	August 13, 1957	$1.0 billion	June 30, 1958
Public Law 85-931	September 6, 1958	$2.25 billion	December 31, 1959
Public Law 86-341	September 21, 1959	$3.0 billion	December 31, 1961
Public Law 87-28	May 4, 1961	$2.0 billion	December 31, 1961

The first three amendments to the original act expressed the authorization as a cumulative figure. Public Law 387, 84th Congress, [S. 2253], 69 Stat. 721, amended the section to provide that "This limitation shall not be apportioned by year or by country, but shall be considered as an objective as well as a limitation, to be reached as rapidly as possible so long as the purposes of this Act can be achieved within the safeguards established." Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958, provided an authorization for the period beginning July 1, 1958, through December 31, 1959, of $2.25 billion "plus any amount by which agreements entered into in prior fiscal years have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than authorized for such prior fiscal years by this Act as in effect during such fiscal years." Provision for carryover of unused funds which was continued in the authorizations provided by Public Law 86-341, [H.R. 8609], 73 Stat. 606, and Public Law 87-28, [S. 102?], 75 Stat. 64, expires December 31, 1961.

[13]Section 1415 provides that "Foreign credits owed to or owned by the United States Treasury will not be available for expenditure by agencies of the United States after June 30, 1953, except as may be provided for annually in appropriation Acts and provisions for the utilization of such credits for purposes authorized by law are hereby authorized to be included in general appropriation Acts." Public Law 547, 82d Congress, [H.R. 8370], 66 Stat. 637, approved July 15, 1952.

[14]The words ", including principal and interest from loan repayments," were added by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961.

See also sec. 407 of the Act of September 1, 1954, as amended (5 U.S.C. 171z-1), which provides:

"In addition to family housing and community facilities otherwise authorized to be constructed or acquired by the Department of Defense, the Secretary of Defense is authorized, subject to the approval of the Director of the Bureau of the Budget, to construct, or acquire by lease or otherwise, family housing for occupancy as public quarters, and community facilities, in foreign countries through housing and community facilities projects which utilize foreign currencies to a value not to exceed $250,000,000 acquired pursuant to the provisions of the Agricultural Trade Development and Assistance Act of 1954 or through other commodity transactions of the Commodity Credit Corporation.

"The Department of Defense shall pay the Commodity Credit Corporation, from appropriations otherwise available for the payment of quarters allowances for military personnel and from appropriate allotments or rental charges for civilian personnel, amounts equal to the quarters allowances or allotments otherwise payable to or the rental charges collected from personnel occupying any housing constructed or acquired under authority of this section after deducting amounts chargeable for the maintenance and operation of such housing: *Provided*, That such payments shall not exceed the dollar equivalent of the value of the foreign currencies used for all such construction or acquisition."

See also Public Law 86-610, [S.J. Res. 41], 74 Stat. 368, approved July 12, 1960, which authorizes, subject to section 1415 of the Supplemental Appropriation Act, 1953, the use of Title I foreign currencies to advance health science activities. For text of section 1415, see note 13 above.

available in advance for use as provided by this subsection over such period of years as the Secretary of Agriculture determines will most effectively carry out the purpose of this subsection: *Provided*, That no such funds shall be allocated under this subsection after June 30, 1960, except as may be specified, from time to time, in appropriation acts. Provision shall be made in sale and loan agreements for the convertibility of such amount of the proceeds thereof (not less than 2 per centum) as the Secretary of Agriculture determines to be needed to carry out the purpose of this subsection in those countries which are or offer reasonable potential of becoming dollar markets for United States agricultural commodities. Such sums shall be converted into the types and kinds of foreign currencies as the Secretary deems necessary to carry out the provisions of this subsection and such sums shall be deposited to a special Treasury account and shall not be made available or expended except for carrying out the provisions of this subsection. Notwithstanding any other provision of law, if sufficient foreign currencies for carrying out the purpose of this subsection in such countries are not otherwise available, the Secretary of Agriculture is authorized and directed to enter into agreements with such countries for the sale of surplus agricultural commodities in such amounts as the Secretary of Agriculture determines to be adequate and for the use of the proceeds to carry out the purpose of this subsection;[15]

(b) To purchase or contract to purchase, in such amounts as may be specified from time to time in appropriation acts, strategic or other materials for a supplemental United States stockpile of such materials as the President may determine from time to time. Such strategic or other materials acquired under this subsection shall be placed in the above named supplemental stockpile and shall be released therefrom only under the provisions of section 3 of the Strategic and Critical Materials Stock Piling Act;[16]

(c) To procure military equipment, materials, facilities, and services for the common defense;

(d) For financing the purchase of goods or services for other friendly countries;

(e) For promoting balanced economic development and trade among nations, for which purposes not more than 25 per centum of the currencies received pursuant to each such agreement shall be available through and under the procedures estab-

[15]All but the first sentence of subsection (a) was added by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959, and was further amended by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, as follows: in the second sentence, by adding "each year" after "made" the first time it appears and "set aside in the amounts and kinds of foreign currencies specified by the Secretary of Agriculture and" after "be" the first time it appears; in the third sentence, "Provision shall be made" was inserted in lieu of "Particular regard shall be given to provide", the words "(not less than 2 per centum)" was inserted after "thereof", and following "as" the word "may" was deleted and "the Secretary of Agriculture determines to" inserted in lieu thereof; all of the fourth sentence was added; and in the last sentence, "the Secretary of Agriculture is authorized and directed to enter into agreements" was inserted in lieu of "agreements may be entered into".

Section 203 of Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, provides as follows: "Sec. 203. In the conduct of foreign market development programs, the Secretary of Agriculture is authorized to credit contributions from individuals, firms, associations, agencies, and other groups, and the proceeds received from space rentals, and sales of products and materials at exhibitions, to the appropriations charged with the cost of acquiring such space, products and materials."

[16]As amended by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959. The original provision was as follows: "To purchase or contract to purchase strategic and critical materials, within the applicable terms of the Strategic and Critical Materials Stockpile Act, [50 U.S.C. 98], for a supplemental United States stockpile of such materials as the President may determine from time to time under contracts, including advance payment contracts, for supply extending over periods up to ten years. All strategic and critical materials acquired under authority of this title shall be placed in the above named supplemental stockpile and may be additional to the amounts acquired under authority of the Strategic and Critical Materials Stockpile Act. Materials so acquired shall be released from the supplemental stockpile only under the provisions of section 3 of the Strategic and Critical Materials Stockpile Act;"

lished by such agency as the President shall direct for loans mutually agreeable to said agency and the country with which the agreement is made to United States business firms and branches, subsidiaries, or affiliates of such firms for business development and trade expansion in such countries and for loans to domestic or foreign firms for the establishment of facilities for aiding in the utilization, distribution, or otherwise increasing the consumption of, and markets for, United States agricultural products: *Provided, however,* That no such loans shall be made for the manufacture of any products to be exported to the United States in competition with products produced in the United States or for the manufacture or production of any commodity to be marketed in competition with United States agricultural commodities or the products thereof. Foreign currencies may be accepted in repayment of such loans.[17]

(f) To pay United States obligations abroad;

(g) For loans to promote multilateral trade and economic development, made through established banking facilities of the friendly nation from which the foreign currency was obtained or in any other manner which the President may deem to be appropriate. Strategic materials, services, or foreign currencies may be accepted in payment of such loans;

(h) For the financing of international educational exchange activities under the programs authorized by section 32 (b) (2) of the Surplus Property Act of 1944, as amended (50 U.S.C. App. 1641 (b)) and for the financing in such amounts as may be specified from time to time in appropriation acts of programs for the interchange of persons under title II of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1446). In the allocation of funds as among the various purposes set forth in this section, a special effort shall be made to provide for the purposes of this subsection, including a particular effort with regard to: (1) countries where adequate funds are not available from other sources for such purposes, and (2) countries where agreements can be negotiated to establish a fund with the interest and principal available over a period of years for such purposes, such special and particular effort to include the setting aside of such amounts from sale proceeds and loan repayments under this title, not in excess of $1,000,000 a year in any one country for a period of not more than five years in advance, as may be determined by the Secretary of State to be required for the purposes of this subsection;[18]

(i) For financing the translation, publication, and distribution of books and periodicals, including Government publications, abroad: *Provided,* That not more than $5,000,000 may be allocated for this purpose during any fiscal year.[19]

(j) For providing assistance to activities and projects authorized by section 203 of the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1448), but no foreign currencies which are available under the terms of any agreement for appropriation for the general use of the United States shall be used for the purposes of this subsection (j) without appropriation therefor;[20]

[17] As amended by Public Law 85-128, [S. 1314], 71 Stat. 345, approved August 13, 1957. Subsection (e) formerly read: "For promoting balanced economic development and trade among nations;". Public Law 87-195, [S. 1983], 75 Stat. 463, approved September 4, 1961, further amended this subsection by inserting "such agency as the President shall direct" in lieu of "the Export-Import Bank" and by inserting "agency" in lieu of "bank".

[18] The balance of the first sentence following "(50 U.S.C. App. 1641(b))" was added by Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958. The second sentence, through the word "purposes" the third time it appears, was added by Public Law 726, 84th Congress, [H. R. 11356], 70 Stat. 555, approved July 18, 1956; the balance of the sentence was added by Public Law 85-141, [S. 2130], 71 Stat. 355, approved August 14, 1957.

[19] Added by Public Law 726, 84th Congress, [H.R. 11356], 70 Stat. 555, approved July 18, 1956.

[20] Added by Public Law 962, 84th Congress, [S. 3903], 70 Stat. 988, approved August 3, 1956.

(k) To collect, collate, translate, abstract, and disseminate scientific and technological information and to conduct research and support scientific activities overseas including programs and projects of scientific cooperation between the United States and other countries such as coordinated research against diseases common to all of mankind or unique to individual regions of the globe, and to promote and support programs of medical and scientific research, cultural and educational development, health, nutrition, and sanitation: *Provided,* That foreign currencies shall be available for the purposes of this subsection (in addition to funds otherwise made available for such purposes) only in such amounts as may be specified from time to time in appropriation Acts;[21]

(l) For the acquisition by purchase, lease, rental or otherwise, of sites and buildings and grounds abroad, for United States Government use including offices, residence quarters, community and other facilities, and for construction, repair, alteration and furnishing of such buildings and facilities: *Provided,* That foreign currencies shall be available for the purposes of this subsection (in addition to funds otherwise made available for such purposes) in such amounts as may be specified from time to time in appropriation acts;[22]

(m) For financing in such amounts as may be specified from time to time in appropriation acts (A) trade fair participation and related activities authorized by section 3 of the International Cultural Exchange and Trade Fair Participation Act of 1956 (22 U.S.C. 1992), and (B) agricultural and horticultural fair participation and related activities;[22]

(n) For financing under the direction of the Librarian of Congress, in consultation with the National Science Foundation and other interested agencies, in such amounts as may be specified from time to time in appropriation acts, (1) programs outside the United States for the analysis and evaluation of foreign books, periodicals, and other materials to determine whether they would provide information of technical or scientific significance in the United States and whether such books, periodicals, and other materials are of cultural or educational significance; (2) the registry, indexing, binding, reproduction, cataloging, abstracting, translating, and dissemination of books, periodicals, and related materials determined to have such significance; and (3) the acquisition of such books, periodicals, and other materials and the deposit thereof in libraries and research centers in the United States specializing in the areas to which they relate;[22]

(o) For providing assistance, in such amounts as may be specified from time to time in appropriation acts, by grant or otherwise, in the expansion or operation in foreign countries of established schools, colleges, or universities founded or sponsored by citizens of the United States, for the purpose of enabling such educational institutions to carry on programs of vocational, professional, scientific, technological, or general education;[23]

(p) For supporting workshops in American studies or American educational techniques and supporting chairs in American studies;[23]

[21] Added by Public Law 85-477, [H.R. 1218], 72 Stat. 261, approved June 30, 1958. Public Law 86-108, [H.R. 7500], 73 Stat. 246, approved July 24, 1959, amended this subsection by adding the word "research" after the word "conduct" and by rephrasing the provision relating to the appropriation procedure. Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959, added after the word "globe" the following: ", and to promote and support programs of medical and scientific research, cultural and educational development, health, nutrition, and sanitation".

[22] Added by Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958.

[23] Subsection (o), when added by Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958, also included the purpose authorized in subsection (p). Public Law 86-341, [H. R. 8609], 73 Stat. 606, approved September 21, 1959, separated the original subsection (o) into subsections (o) and (p).

(q) For assistance to meet emergency or extraordinary relief requirements other than requirements for surplus food commodities: *Provided*, That not more than a total amount equivalent to $5,000,000 may be made available for this purpose during any fiscal year;[24]

(r) For financing the preparation, distribution, and exhibiting of audio-visual informational and educational materials, including Government materials, abroad: *Provided*, That not more than a total amount equivalent to $2,500,000 may be made available for this purpose during any fiscal year, but nothing in this subsection shall limit or affect the use of foreign currencies to finance the preparation, distribution, or exhibition of such materials in connection with trade fairs and other market development activities under subsection (a);[24]

(s) For the sale for dollars to American tourists under such terms and conditions as the President may prescribe;[25]

Provided, however, That section 1415 of the Supplemental Appropriation Act, 1953, shall apply to all foreign currencies used for grants under subsections (d) and (e) and for payment of United States obligations involving grants under subsection (f) and to not less than 10 per centum of the foreign currencies which accrue under this title: *Provided, however*, That the President is authorized to waive such applicability of section 1415 in any case where he determines that it would be inappropriate or inconsistent with the purposes of this title: *Provided, however*, That no foreign currencies shall be available pursuant to subsections (k), (p), and (r), except in such amounts as may be specified from time to time in appropriation Acts.[26] (7 U.S.C. 1704)

SEC. 105. Foreign currencies received pursuant to this title shall be deposited in a special account to the credit of the United States and shall be used only pursuant to section 104 of this title, and any department or agency of the government using any of such currencies for a purpose for which funds have been appropriated shall reimburse the Commodity Credit Corporation in an amount equivalent to the dollar value of the currencies used. (7 U.S.C. 1705)

SEC. 106. As used in this Act, "surplus agricultural commodity" shall mean any agricultural commodity or product thereof, class, kind, type, or other specification thereof, produced in the United States, either privately or publicly owned, which is at the time of exportation or donation in excess of domestic requirements, adequate carryover, and anticipated exports for dollars, as determined by the Secretary of Agriculture. The Secretary of Agriculture is also authorized to determine the nations with whom agreements shall be negotiated, and to determine the commodities and quantities thereof which may be included in the negotiations with each country after advising with other agencies of Government affected and within broad policies laid down by the President for implementing this Act.[27] (7 U.S.C. 1706)

SEC. 107. As used in this Act, "friendly nation" means any country other than (1) the U.S.S.R., or (2) any nation or area dominated or controlled by the foreign government or foreign organization controlling the world Communist movement. (7 U.S.C. 1707)

[24] Added by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959.

[25] Added by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961.

[26] The final proviso added by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959. For text of section 1415, see note 13 above. Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, amended the final proviso by deleting "for the purpose of subsection (p), except in such amounts as may be specified from time to time in appropriation Acts, and no foreign currencies shall be allocated under any provision of this Act after June 30, 1960, for the purposes specified in" following the word "available" and inserting in lieu thereof the words "pursuant to".

[27] Last sentence added by Public Law 387, 84th Congress, [S. 2253], 69 Stat. 721, approved August 12, 1955. Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, amended the first sentence by inserting "at the time of exportation or donation" following "which is" in lieu of "or may reasonably be expected to be".

SEC. 108. The President shall make a report to Congress with respect to the activities carried on under this Act at least once each six months and at such other times as may be appropriate and such reports shall include the dollar value, at the exchange rates in effect at the time of the sale, of the foreign currency for which commodities exported pursuant to section 102 (a) hereof are sold. (7 U.S.C. 1708)

SEC. 109. No transactions shall be undertaken under authority of this title after December 31, 1964, except as required pursuant to agreements theretofore entered into pursuant to this title.[28] (7 U.S.C. 1709)

TITLE II--FAMINE RELIEF AND OTHER ASSISTANCE

SEC. 201. In order to enable the President to furnish emergency assistance on behalf of the people of the United States to friendly peoples in meeting famine or other urgent or extraordinary relief requirements, the Commodity Credit Corporation shall make available to the President out of its stocks such surplus agricultural commodities (as defined in section 106 of title I) as he may request, for transfer (1) to any nation friendly to the United States in order to meet famine or other urgent or extraordinary relief requirements of such nation, and (2) to friendly but needy populations without regard to the friendliness of their government.[29] (7 U.S.C. 1721)

SEC. 202. In order to facilitate the utilization of surplus agricultural commodities in meeting the requirements of needy peoples, and in order to promote economic development in underdeveloped areas in addition to that which can be accomplished under title I of this Act, the President may authorize the transfer on a grant basis of surplus agricultural commodities from Commodity Credit Corporation stocks to assist programs undertaken with friendly governments or through voluntary relief agencies; *Provided*, That the President shall take reasonable precaution that such transfers will not displace or interfere with sales which might otherwise be made.[30] (7 U.S.C. 1722)

SEC. 203. Programs of assistance shall not be undertaken under this title during any calendar year beginning January 1, 1961, and ending December 31, 1964, which call for appropriations of more than $300,000,000 to reimburse the Commodity Credit Corporation for all costs incurred in connection with such programs (including the Corporation's investment in commodities made available), plus any amount by which programs of assistance undertaken in the preceding calendar year have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than were authorized for such purpose during such preceding year by this title as in effect during such preceding year. The President may make transfers through such agencies including intergovernmental organizations, in such manner, and upon such terms and conditions as he deems appropriate; he shall make use of the facilities of voluntary relief agencies to the extent practicable. Such transfers may include delivery f.o.b. vessels in United States ports and, upon a determination by the President that it is necessary to accomplish the purposes of this title or of section 416 of the Agricultural Act of 1949, as amended, ocean freight charges from United States ports to designated ports of entry abroad, or, in the case of landlocked countries, trans-

[28] Amended by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, to extend the terminal date from 1961 to 1964.

[29] Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956, amended this section by deleting the words "f.o.b. vessels in United States ports," immediately preceding the words "as he may request,". Public Law 962, 84th Congress, [S. 3903], 70 Stat. 988, approved August 3, 1956, amended this section by inserting after the word "urgent" wherever it occurs in the section the words "or extraordinary".

[30] The words preceding "President" the first time it appears were added by Public Law 86-472, [H.R. 11510], 74 Stat. 140, approved May 14, 1960, authorizing economic development programs under this title, with an expiration date of June 30, 1961; Public Law 87-92 [S. 1720], 75 Stat. 211, approved July 20, 1961, repealed the provision that such authority should expire on June 30, 1961.

portation from United States ports to designated points of entry abroad, may be paid from funds available to carry out this title on commodities transferred pursuant hereto or donated under said section 416, and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto may be paid from such funds. Funds required for ocean freight costs authorized under this title may be transferred by the Commodity Credit Corporation to such other Federal agency as may be designated by the President.[31] (7 U.S.C. 1723)

SEC. 204. No programs of assistance shall be undertaken under the authority of this title after December 31, 1964.[32] (7 U.S.C. 1724)

TITLE III--GENERAL PROVISIONS

SEC. 301. [This section amends Section 407 of the Agricultural Act of 1949]

SEC. 302. Section 416 of the Agricultural Act of 1949 is amended to read as follows:

"SEC. 416. In order to prevent the waste of commodities whether in private stocks or acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in nonprofit summer camps for children, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served; and (4) to donate any such food commodities in excess of anticipated disposition under (1), (2), and (3) above to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate department or agency of the Federal Government and intergovernmental organizations for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States. In the case of (3)

[31] The original authorization was $300,000,000. Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956, added $200,000,000 and Public Law 85-128, [S. 1314], 71 Stat. 345, approved August 13, 1957, added $300,000,000. Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959, amended the first sentence to provide: "Not more than $300,000,000 (including the Corporation's investment in such commodities) plus any amount by which transfers made in the preceding calendar year have called or will call for appropriations to reimburse the Commodity Credit Corporation in amounts less than could have been expended during such preceding year under this title as in effect during such preceding year shall be expended in any calendar year during the period January 1, 1960, and ending December 31, 1961, for all such transfers and for other costs authorized by this title." The first sentence, as amended by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, changes the authorization from an expended basis to a program commitment basis beginning January 1, 1961. Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, amended the second sentence by deleting "such" preceding "transfers". The last two sentences were added by Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956. Public Law 86-472, [H.R. 11510], 74 Stat. 140, approved May 14, 1960, amended the third sentence by inserting after "entry abroad" where it first appears ", or, in the case of landlocked countries, transportation from United States ports to designated points of entry abroad," and by inserting ", and charges for general average contributions arising out of the ocean transport of commodities transferred pursuant hereto may be paid from such funds" before the period at the end of that sentence.

[32] Amended by Public Law 87-128, [S. 1643], 75 Stat. 306, approved August 8, 1961, to extend the terminal date from 1961 to 1964.

and (4) above the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under (3) and (4) above. The Commodity Credit Corporation may pay, with respect to commodities disposed of under this section, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency or to the designated State or private agency, in the case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States. In addition, in the case of food commodities disposed of under this section, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible. For the purpose of this section the terms 'State' and 'United States' include the District of Columbia and any Territory or possession of the United States."[33] (7 U.S.C. 1431)

[Notwithstanding any other provision of law (1) those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c), and section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431); and (2) the Commodity Credit Corporation is authorized to purchase products of oilseeds, and edible oils and fats and the products thereof in such form as may be needed for donation abroad as provided in the following sentence. Any such commodities or products if purchased shall be donated to nonprofit voluntary agencies registered with the Department of State, other appropriate agencies of the Federal Government or international organizations for use in the assistance of needy persons and in nonprofit school lunch programs outside the United States. Commodity Credit Corporation may incur such additional costs with respect to such oil as it is authorized to incur with respect to food commodities disposed of under section 416 of the Agricultural Act of 1949. Sec. 9. Public Law 85-931, 72 Stat. 1790, approved September 6, 1958, 7 U.S.C. 1431b][34]

[At any time Commodity Credit Corporation has wheat or corn available for donation pursuant to clauses (3) or (4) of section 416 of the Agricultural Act of 1949, as amended, section 210 of the Agricultural Act of 1956, or title II of the Agricultural Trade Development and Assistance Act, as amended, the Corporation, in lieu of processing all or any part of such wheat or corn into flour or meal, may purchase flour or meal in quantities not to exceed the equivalent of such wheat or corn so available on the date of purchase and donate such flour and meal pursuant to clauses

[33] Public Law 86-108, [H.R. 7500], 73 Stat. 246, approved July 24, 1959, amended section 416 of the Agricultural Act of 1949, as amended, by inserting the words "whether in private stocks or" after the word "commodities" the first time it appears. Public Law 85-483, [H.R. 12164], 72 Stat. 286, approved July 2, 1958, amended section 416 of the Agricultural Act of 1949, as amended, by adding after the words "nonprofit school lunch programs," the words "in nonprofit summer camps for children,". Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956, amended section 416 of the Agricultural Act of 1949, as amended, by adding the sentence preceding the last sentence. Public Law 87-703, [H.R. 12391], 76 Stat. 610, approved September 27, 1962, amended section 416 of the Agricultural Act of 1949, as amended, by inserting in clause (4) after the words "needy persons" the words "and in nonprofit school lunch programs".

[34] Public Law 87-703, [H.R. 12391], 76 Stat. 610, approved September 27, 1962, amended section 9 of Public Law 85-931 by inserting after the words "needy persons" the words "and in nonprofit school lunch programs".

(3) or (4) of said section 416 and to said section 210 and make such flour or meal available to the President, pursuant to said title II and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended, a quantity of wheat and corn not to exceed that which is equivalent to the quantity of flour and meal so purchased. Public Law 85-683, 72 Stat. 635; approved August 19, 1958, 7 U.S.C. 1431 note]

[(a) In order to insure the nutritional value of cornmeal, grits, and white flour when such foods are made available for distribution under section 416(3) of the Agricultural Act of 1949 or for distribution to schools under the National School Lunch Act or any other Act, such foods shall be enriched so as to meet the standards for enriched cornmeal, enriched corn grits, or enriched flour, as the case may be, prescribed in regulations promulgated under the Federal Food, Drug, and Cosmetic Act; and in order to protect the nutritional value and sanitary quality of such enriched foods during transportation and storage such foods shall be packaged in sanitary containers. For convenience and ease in handling, the weight of any sanitary container when filled shall not exceed fifty pounds.

(b) The term "sanitary container" means any container of such material and construction as (1) will not permit the infiltration of foreign matter into the contents of such container under ordinary conditions of shipping and handling, and (2) will not, for a period of at least one year, disintegrate so as to contaminate the contents of the container, necessitating the washing of the contents prior to use. Sec. 201. Public Law 86-341, 73 Stat. 606, approved September 21, 1959]

[In any school feeding programs undertaken hereafter outside the United States pursuant to section 416 of the Agricultural Act of 1949, as amended, section 308 of Public Law 480 (83rd Congress), as amended, and section 9 of the Act of September 6, 1958, as amended, the Secretary shall receive assurances satisfactory to him that, insofar as practicable, there will be student participation in the financing of such programs on the basis of ability to pay, and such programs shall be undertaken with the understanding that commodities will be available for those programs only in accordance with the provisions of such statutes and that commodities made available under section 416 of the Agricultural Act of 1949, as amended, will be available only in accordance with the priorities established in such section. Sec. 205. Public Law 87-703, 76 Stat. 610, approved September 27, 1962]

SEC. 303. The Secretary shall, whenever he determines that such action is in the best interest of the United States, and to the maximum extent practicable, barter or exchange agricultural commodities owned by the Commodity Credit Corporation for (a) such strategic or other materials of which the United States does not domestically produce its requirements and which entail less risk of loss through deterioration or substantially less storage charges as the President may designate, or (b) materials, goods, or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs. He is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private channels, such barters or exchanges or to utilize the authority conferred on him by section 4 (h) of the Commodity Credit Corporation Charter Act, as amended, to make such barters or exchanges. In carrying out barters or exchanges authorized by this section, no restrictions shall be placed on the countries of the free world into which surplus agricultural commodities may be sold, except to the extent that the Secretary shall find necessary in order to take reasonable precautions to safeguard usual marketings of the United States and to assure that barters or exchanges under this Act will not unduly disrupt world prices of agricultural commodities or replace cash sales for dollars. The Secretary may permit the domestic processing of raw materials of foreign origin. The Secretary shall endeavor to cooperate with other exporting countries in preserving normal patterns of commercial trade with respect to commodities covered by formal multilateral international marketing agreements to

which the United States is a party. Agencies of the United States Government procuring such materials, goods, or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials.[35] (7 U.S.C. 1692)

SEC. 304. (a) The President shall exercise the authority contained in title I of this Act (1) to assist friendly nations to be independent of trade with the Union of Soviet Socialist Republics and with nations dominated or controlled by the Union of Soviet Socialist Republics and (2) to assure that agricultural commodities sold or transferred thereunder do not result in increased availability of those or like commodities to unfriendly nations.

(b) Nothing in this Act shall be construed as authorizing transactions under title I or title III with the Union of Soviet Socialist Republics or any of the areas dominated or controlled by the Communist regime in China.[36] (7 U.S.C. 1693)

SEC. 305. All Commodity Credit Corporation stocks donated abroad under title II of this Act and section 416 of the Agricultural Act of 1949, as amended, shall be clearly identified by appropriate marking on each package or container and insofar as practical, in the language of the locality where such stocks are distributed as being furnished by the people of the United States of America and where available funds accruing under title I shall be used for this purpose.[37] (7 U.S.C. 1694)

SEC. 306. [This section authorizes a food stamp system for the distribution of surplus food commodities to needy persons in the United States during the period beginning February 1, 1960 and ending January 31, 1962.][38]

[35] As amended by Public Law 85-931, [S. 3420], 72 Stat. 1790, approved September 6, 1958. This section formerly read as follows: "Whenever the Secretary has reason to believe that, in addition to other authorized methods and means of disposing of agricultural commodities owned by the Commodity Credit Corporation, there may be opportunity to protect the funds and assets of the Commodity Credit Corporation by barter or exchange of such agricultural commodities for (a) strategic materials entailing less risk of loss through deterioration or substantially less storage charges, or (b) materials, goods or equipment required in connection with foreign economic and military aid and assistance programs, or (c) materials or equipment required in substantial quantities for offshore construction programs, he is hereby directed to use every practicable means, in cooperation with other Government agencies, to arrange and make, through private trade channels, such barters or exchanges or to utilize the authority conferred on him by section 4(h) of the Commodity Credit Corporation Charter Act, as amended, to make such barters or exchanges. Agencies of the United States Government procuring such materials, goods or equipment are hereby directed to cooperate with the Secretary in the disposal of surplus agricultural commodities by means of barter or exchange. Strategic materials so acquired by the Commodity Credit Corporation shall be considered as assets of the Corporation and other agencies of the Government, in purchasing strategic materials, shall purchase such materials from Commodity Credit Corporation inventories to the extent available in fulfillment of their requirements. The Secretary is also directed to assist, through such means as are available to him, farmers' cooperatives in effecting exchange of agricultural commodities in their possession for strategic materials." Public Law 540, 84th Congress, [H.R. 10875], 70 Stat. 188, approved May 28, 1956, 7 U.S.C. 1856, provides that strategic and other material acquired by the Commodity Credit Corporation may be transferred to the supplemental stockpile established by section 104(b) of this Act.

[36] This section was amended by Public Law 85-128, [S. 1314], 71 Stat. 345, approved August 13, 1957. It formerly read: "The President shall exercise the authority contained herein (1) to assist friendly nations to be independent of trade with the U.S.S.R. or nations dominated or controlled by the U.S.S.R. for food, raw materials and markets, and (2) to assure that agricultural commodities sold or transferred hereunder do not result in increased availability of those or like commodities to unfriendly nations."

[37] As amended by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959. This section formerly provided: "All Commodity Credit Corporation stocks disposed of under title II of this Act and section 416 of the Agricultural Act of 1949, as amended, shall be clearly identified by, as far as practical, appropriate marking on each package or container as being furnished by the people of the United States of America."

[38] Sections 306, 307, 308 and all of title IV were added by Public Law 86-341, [H.R. 8609], 73 Stat. 606, approved September 21, 1959.

SEC. 307. Whenever the Secretary of Agriculture determines under section 106 of this Act that any food commodity is a surplus agricultural commodity, insofar as practicable he shall make such commodity available for distribution to needy families and persons in the United States in such quantities as he determines are reasonably necessary before such commodity is made available for sale for foreign currencies under title I of this Act.[38,39]

SEC. 308. Notwithstanding any other provision of law, the Commodity Credit Corporation is hereby authorized--

(1) to dispose of its stocks of animal fats and edible oils or products thereof by donation, upon such terms and conditions as the Secretary of Agriculture deems appropriate, to nonprofit voluntary agencies registered with the Department of State, appropriate agencies of the Federal Government or international organizations, for use in the assistance of needy persons and in nonprofit school lunch programs outside the United Ststes;

(2) to purchase for donation as provided above such quantities of animal fats and edible oils and the products thereof as the Secretary determines will tend to maintain the support level for cottonseed and soybeans without requiring the acquisition of such commodities under the price support program.

Commodity Credit Corporation may incur such additional costs with respect to commodities to be donated herennder as it is authorized to incur with respect to food commodities disposed of under section 416 of the Agricultural Act of 1949, and may pay ocean freight charges from United States ports to designated ports of entry abroad.[38,40]

TITLE IV--LONG-TERM SUPPLY CONTRACTS[38]

SEC. 401. The purpose of this title is to utilize surplus agricultural commodities and the products thereof produced in the United Ststes to assist the economic development of friendly nations by providing long-term credit for purchases of surplus agricultural commodities for domestic consumption during periods of economic development so that the resourcea and manpower of such nations may be utilized more effectively for industrial and other domestic economic development without jeopardizing meanwhile adequate supplies of agricultural commodities for domestic use. It is also the purpose of this title to stimulate and increase the sale of surplus agricultural commodities for dollars through long-term supply agreements and through the extension of credit for the purchase of such commodities, by agreements either with friendly nations or with the privste trade, thereby assisting the development of the economies of friendly nstions and maximizing dollar trade.[41]

SEC. 402. In furtherance of this purpose, the President is authorized to enter into agreements with friendly nations, including financial institutions acting in behalf of such nations, under which the United States shall undertake to provide for delivery annually of certain quantities of such surplus agricultural commodities for periods of not to exceed ten years, pursuant to the terms and conditions set out in

(For Footnote 38, see page 13)

[39]Section 205(c) of Public Law 86-108, [H.R. 7500], 73 Stat. 246, approved July 24, 1959, also provides that surplus food commoditica or products thereof made available for transfer as a grant or as a sale for foreign currencies may also be made available to the maximum extent practicable to eligible domestic recipients pursuant to section 416 of the Agricultural Act of 1949, as amended, (7 U.S.C. 1431), or to needy persons within the United States pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended, (7 U.S.C. 612c).

[40]Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962, amended clause (1) by inserting after the words "needy persons" the words "and in nonprofit school lunch programs".

[41]The second sentence was added by Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962.

this title, providing such commodities are in surplus at the time delivery is to be made. In furtherance of the purpose of maximizing dollar sales through the private trade, the Secretary of Agriculture is authorized to enter into sales agreements with foreign and United States private trade under which he shall undertake to provide for the delivery of surplus agricultural commodities over such periods of time and under the terms and conditions set forth in this title. Any agreement entered into hereunder with the private trade shall provide for the furnishing of such security as the Secretary determines necessary to provide reasonable and adequate assurance of payment of the amount due for agricultural commodities sold pursuant to such agreement.[42]

SEC. 403. Payment for such commodities shall be in dollars with interest at such rate as the Secretary may determine but not more than the cost of the funds to the United States Treasury as determined by the Secretary of the Treasury, taking into considerstion the current average market yields on outstanding marketable obligations of the United States having maturity comparable to the maturities of loans made by the President under this section. Payment may be made in reasonable annual amounts over periods of not to exceed twenty years from the date of the last delivery of commodities in each calendar yesr under the agreement, except that the date for beginning such annual payment may be deferred for a period not later than two years after such date of last delivery, and interest shsll be computed from the date of last delivery, and interest shall be computed from the date of such last delivery.[43]

SEC. 404. In carrying out the provisions of this title, the Secretary of Agriculture shall endeavor to maximize the sale of United States agricultural commodities taking such reasonable precautions as he determines necessary to avoid replacing any sales which the Secretary finds and determines would otherwise be made for cash dollars.

SEC. 405. In the case of such agreements, the Secretary may enter into agreements with other friendly and historic supplying nations of such commodities for their participation in the supply and assistsnce program herein authorized on s proportionate and equitable basis.[44]

SEC. 406. In carrying out this title, the provisions of sections 101 (b) and (c), 102, 103(a), 106, 107, and 108 of this Act shall be applicable to the extent not inconsistent with this title.[45]

[42]Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962, amended the first sentence by inserting after the words "friendly nations" the words ",including financial institutions acting in behalf of such nations," and added the second and third sentences.

[43]Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962, amended the second sentence by substituting the word "reasonable" in lieu of the words "approximately equal" and by inserting after the word "agreement" the following: ", except that the date for beginning such annual payment may be deferred for a period not later than two years after such date of last delivery,".

[44]This section was amended by Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962. It formerly read: "In entering into such agreements, the Secretary shall endeavor to reach agreement with other exporting nations of such commodities for their participation in the supply and assistance program herein authorized on a proportionate and equitable basis."

[45]Public Law 87-703, [H.R. 1239I], 76 Stat. 610, approved September 27, 1962, inserted: "101(b) and (c)," after the word "sections".

同任資料、グッシナモ、パナマ

北米付長
(政治班
商務班)

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資料送付事務連絡

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発	在米大使館政務班（千葉書記官）　引用

（資料名） 沖縄参考資料

1. Treaty Series, No. 426

"LEASE OF COALING OR NAVAL STATIONS"
'Agreement between the United States of America and Cuba signed at Habana, July 2, 1903'

2. Treaty Series, No. 431

"CONSTRUCTION OF A SHIP CANAL TO CONNECT THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS"
'Convention between the United States of America and Panama signed at Washington, Nov. 18, 1903

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条約集 NO.426
〃 NO.431

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東京都千代田区霞ヶ関2丁目2番地
電話 霞ヶ関 (581) 3351番

TREATY SERIES, No. 426

LEASE OF COALING OR NAVAL STATIONS

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND CUBA

Signed at Habana, July 2, 1903.
Approved by the President of the United States, October 2, 1903.
Ratified by the President of Cuba, August 17, 1903.
Ratifications exchanged at Washington, October 6, 1903.

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1932

For sale by the Superintendent of Documents, Washington, D. C. - - - - - - Price 5 cents

The United States of America and the Republic of Cuba, being desirous to conclude the conditions of the lease of areas of land and water for the establishment of naval or coaling stations in Guantanamo and Bahia Honda the Republic of Cuba made to the United States by the Agreement of February 16/23, 1903, in fulfillment of the provisions of Article Seven of the Constitutional Appendix of the Republic of Cuba, have appointed their Plenipotentiaries to that end.

The President of the United States of America, Herbert G. Squiers, Envoy Extraordinary and Minister Plenipotentiary in Havana,

And the President of the Republic of Cuba, José M. Garcia Montes, Secretary of Finance, and acting Secretary of State and Justice, who, after communicating to each other their respective full powers, found to be in due form, have agreed upon the following Articles:

ARTICLE I

The United States of America agrees and covenants to pay to the Republic of Cuba the annual sum of two thousand dollars, in gold coin of the United States, as long as the former shall occupy and

Deseando los Estados Unidos de América y la República de Cuba dejar determinadas las condiciones del arrendamiento de las áreas de terreno y agua que, para el establecimiento de Estaciones Navales ó Carboneras, en Guantánamo y Bahía Honda, hizo la República de Cuba á los Estados Unidos, por el Convenio de 16/23 de Febrero de 1903 llevado á cabo en cumplimiento de lo preceptuado en el Artículo 7. del Apéndice Constitucional de la República de Cuba, han nombrado con ese objeto sus Plenipotenciarios:

El Presidente de los Estados Unidos de América á Herbert G. Squiers, Enviado Extraordinario y Ministro Plenipotenciario en la Habana,

Y el Presidente de la República de Cuba á José M. García Montes Secretario de Hacienda é interino de Estado y Justicia, quienes, previo el cange de sus respectivos plenos poderes, que encontraron estar en debida forma, han convenido en los siguientes Artículos:

ARTÍCULO I.

Los Estados Unidos de América acuerdan y estipulan pagar á la República de Cuba la suma anual de dos mil pesos en monedas de oro de los Estados Unidos, durante todo el tiempo que éstos ocuparen

use said areas of land by virtue of said Agreement.

All private lands and other real property within said areas shall be aquired forthwith by the Republic of Cuba.

The United States of America agrees to furnish to the Republic of Cuba the sums necessary for the purchase of said private lands and properties and such sums shall be accepted by the Republic of Cuba as advance payment on account of rental due by virtue of said Agreement.

ARTICLE II

The said areas shall be surveyed and their boundaries distinctly marked by permanent fences or inclosures.

The expenses of construction and maintenance of such fences or inclosures shall be borne by the United States.

ARTICLE III

The United States of America agrees that no person, partnership, or corporation shall be permitted to establish or maintain a commercial, industrial or other enterprise within said areas.

ARTICLE IV

Fugitives from justice charged with crimes or misdemeanors amenable to Cuban law, taking refuge within said areas, shall be delivered up by the United States authorities on demand by duly authorized Cuban authorities.

On the other hand the Republic of Cuba agrees that fugitives

y usaren dichas áreas de terreno en virtud del mencionado Convenio.

Todos los terrenos de propiedad particular y otros bienes inmuebles comprendidos en dichas áreas serán adquiridos sin demora por la República de Cuba. Los Estados Unidos de América convienen en suministrar á la República de Cuba las cantidades necesarias para la compra de dichos terrenos y bienes de propiedad particular, y la República de Cuba aceptará dichas cantidades como pago adelantado á cuenta de la renta debida en virtud de dicho Convenio.

ARTÍCULO II.

Dichas áreas serán deslindadas y sus linderos marcados con precisión por medio de cercas ó vallados permanentes. Los gastos de construcción y conservación de estas cercas ó vallados serán sufragados por los Estados Unidos.

ARTÍCULO III.

Los Estados Unidos de América convienen en que no se permitirá á persona, sociedad ó asociación alguna establecer ó ejercer empresas comerciales, industriales ó de otra clase dentro de dichas áreas.

ARTÍCULO IV.

Los delincuentes prófugos de la justicia acusados de delitos ó faltas sujetos á la jurisdicción de las Leyes Cubanas y que se refugiaren dentro de dichas áreas, serán entregados por las Autoridades de los Estados Unidos cuando lo pidieren Autoridades Cubanas debidamente autorizadas. Por otra

from justice charged with crimes or misdemeanors amenable to United States law, committed within said areas, taking refuge in Cuban territory, shall on demand, be delivered up to duly authorized United States authorities.

ARTICLE V.

Materials of all kinds, merchandise, stores and munitions of war imported into said areas for exclusive use and consumption therein, shall not be subject to payment of customs duties nor any other fees or charges and the vessels which may carry same shall not be subject to payment of port, tonnage, anchorage or other fees, except in case said vessels shall be discharged without the limits of said areas; and said vessels shall not be discharged without the limits of said areas otherwise than through a regular port of entry of the Republic of Cuba when both cargo and vessel shall be subject to all Cuban Customs laws and regulations and payment of corresponding duties and fees.

It is further agreed that such materials, merchandise, stores and munitions of war shall not be transported from said areas into Cuban territory.

ARTICLE VI.

Except as provided in the preceding Article vessels entering

parte, la República de Cuba conviene en que los prófugos de la justicia acusados de delitos ó faltas sujetos á la jurisdicción de las leyes de los Estados Unidos cometidos dentro de dichas áreas y que se refugiaren en territorio Cubano serán, cuando se le pida, entregados á las Autoridades de los Estados Unidos debidamente autorizadas.

ARTÍCULO V.

Los materiales de todas clases, mercancías, pertrechos y municiones de guerra importados en dichas áreas, para uso y consumo exclusivo de las mismas, no estarán sujetos al pago de derechos arancelarios ni á ningún otro derecho ó carga, y los buques que los condujeren no estarán sujetos al pago de derechos de puerto, tonelaje, anclaje ni á cualquier otro, salvo cuando dichos buques se descargaren fuera de los límites de las referidas áreas; y dichos buques no serán descargados fuera de los límites de las referidas áreas á menos que no sea por un puerto habilitado de la República de Cuba, y en este caso tanto el cargamento como el buque estarán sujetos á todas las leyes y reglamentos de Aduana Cubanos y al pago de los derechos correspondientes.

Se acuerda, además, que esos materiales, mercancías, pertrechos y municiones de guerra no podrán ser trasportados de dichas áreas á territorio Cubano.

ARTÍCULO VI.

Con excepción de lo dispuesto en el artículo anterior, los buques

into or departing from the Bays of Guantanamo and Bahia Honda within the limits of Cuban territory shall be subject exclusively to Cuban laws and authorities and orders emanating from the latter in all that respects port police, Customs or Health, and authorities of the United States shall place no obstacle in the way of entrance and departure of said vessels except in case of a state of war.

que entren ó salgan de las Bahías de Guantánamo y Bahía Honda, dentro de los límites del territorio Cubano estarán exclusivamente sujetos á las Leyes y Autoridades Cubanas, y á las disposiciones emanadas de éstas en todo lo concerniente á la Policía de Puerto, á las Aduanas y á la Sanidad, y las autoridades de los Estados Unidos no opondrán ningun obstáculo á la entrada y salida de dichos buques, excepto en el caso de un estado de guerra.

ARTICLE VII

This lease shall be ratified and the ratifications shall be exchanged in the City of Washington within seven months from this date.

In witness whereof, We, the respective Plenipotentiaries, have signed this lease and hereunto affixed our Seals.

Done at Havana, in duplicate in English and Spanish this second day of July nineteen hundred and three.

ARTÍCULO VII.

Este arrendamiento será ratificado y las ratificaciones serán canjeadas en la Ciudad de Washington, dentro de siete meses despues de la fecha.

En testimonio de lo cual, Nosotros, los respectivos Plenipotenciarios, hemos firmado este arrendamiento y estampado en el presente nuestros sellos.

Hecho en la Habana, por duplicado, en inglés y en castellano, hoy día dos de Julio de mil novecientos tres.

[SEAL] H. G. SQUIERS.
[SEAL] JOSÉ M. GARCÍA MONTES

I, Theodore Roosevelt, President of the United States of America, having seen and considered the foregoing lease, do hereby approve the same, by virtue of the authority conferred by the seventh of the provisions defining the relations which are to exist between the United States and Cuba, contained in the Act of Congress approved March 2, 1901, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June 30, 1902."

WASHINGTON, *October 2, 1903.*

THEODORE ROOSEVELT

O

TREATY SERIES, No. 431

CONSTRUCTION OF A SHIP CANAL TO CONNECT THE WATERS OF THE ATLANTIC AND PACIFIC OCEANS

CONVENTION
BETWEEN THE UNITED STATES OF AMERICA
AND PANAMA

Signed at Washington, November 18, 1903.
Ratification advised by the Senate of the United States, February 23, 1904.
Ratified by the President of the United States, February 25, 1904.
Ratified by Panama, December 2, 1903.
Ratifications exchanged at Washington, February 26, 1904.
Proclaimed by the President of the United States, February 26, 1904.

UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1938

For sale by the Superintendent of Documents, Washington, D. C. - - - - - - - - - Price 5 cents

The citation for this convention is 33 Stat. (pt. 2) 2234.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas a Convention between the United States of America and the Republic of Panama to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific Oceans, was concluded and signed by their respective Plenipotentiaries at Washington, on the eighteenth day of November, one thousand nine hundred and three, the original of which Convention, being in the English language, is word for word as follows:

ISTHMIAN CANAL CONVENTION.

The United States of America and the Republic of Panama being desirous to insure the construction of a ship canal across the Isthmus of Panama to connect the Atlantic and Pacific oceans, and the Congress of the United States of America having passed an act approved June 28, 1902, in furtherance of that object, by which the President of the United States is authorized to acquire within a reasonable time the control of the necessary territory of the Republic of Colombia, and the sovereignty of such territory being actually vested in the Republic of Panama, the high contracting parties have resolved for that purpose to conclude a convention and have accordingly appointed as their plenipotentiaries,—

The President of the United States of America, JOHN HAY, Secretary of State, and

The Government of the Republic of Panama, PHILIPPE BUNAU-VARILLA, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Panama, thereunto specially empowered by said government, who after communicating with each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following articles:

ARTICLE I.

The United States guarantees and will maintain the independence of the Republic of Panama.

ARTICLE II.

The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and

protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed; the said zone beginning in the Caribbean Sea three marine miles from mean low water mark and extending to and across the Isthmus of Panama into the Pacific ocean to a distance of three marine miles from mean low water mark with the proviso that the cities of Panama and Colon and the harbors adjacent to said cities, which are included within the boundaries of the zone above described, shall not be included within this grant. The Republic of Panama further grants to the United States in perpetuity the use, occupation and control of any other lands and waters outside of the zone above described which may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal or of any auxiliary canals or other works necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said enterprise.

The Republic of Panama further grants in like manner to the United States in perpetuity all islands within the limits of the zone above described and in addition thereto the group of small islands in the Bay of Panama, named Perico, Naos, Culebra and Flamenco.

Article III.

The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority.

Article IV.

As rights subsidiary to the above grants the Republic of Panama grants in perpetuity to the United States the right to use the rivers, streams, lakes and other bodies of water within its limits for navigation, the supply of water or water-power or other purposes, so far as the use of said rivers, streams, lakes and bodies of water and the waters thereof may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal.

Article V.

The Republic of Panama grants to the United States in perpetuity a monopoly for the construction, maintenance and operation of any system of communication by means of canal or railroad across its territory between the Caribbean Sea and the Pacific ocean.

Article VI.

The grants herein contained shall in no manner invalidate the titles or rights of private land holders or owners of private property in the said zone or in or to any of the lands or waters granted to the United States by the provisions of any Article of this treaty, nor shall they interfere with the rights of way over the public roads passing through the said zone or over any of the said lands or waters unless said rights of way or private rights shall conflict with rights herein granted to the United States in which case the rights of the United States shall be superior. All damages caused to the owners of private lands or private property of any kind by reason of the grants contained in this treaty or by reason of the operations of the United States, its agents or employees, or by reason of the construction, maintenance, operation, sanitation and protection of the said Canal or of the works of sanitation and protection herein provided for, shall be appraised and settled by a joint Commission appointed by the Governments of the United States and the Republic of Panama, whose decisions as to such damages shall be final and whose awards as to such damages shall be paid solely by the United States. No part of the work on said Canal or the Panama railroad or on any auxiliary works relating thereto and authorized by the terms of this treaty shall be prevented, delayed or impeded by or pending such proceedings to ascertain such damages. The appraisal of said private lands and private property and the assessment of damages to them shall be based upon their value before the date of this convention.

Article VII.

The Republic of Panama grants to the United States within the limits of the cities of Panama and Colon and their adjacent harbors and within the territory adjacent thereto the right to acquire by purchase or by the exercise of the right of eminent domain, any lands, buildings, water rights or other properties necessary and convenient for the construction, maintenance, operation and protection of the Canal and of any works of sanitation, such as the collection and disposition of sewage and the distribution of water in the said cities of Panama and Colon, which, in the discretion of the United States may be necessary and convenient for the construction, maintenance, operation, sanitation and protection of the said Canal and railroad. All such works of sanitation, collection and disposition of sewage and distribution of water in the cities of Panama and Colon shall be made at the expense of the United States, and the Government of the United States, its agents or nominees shall be authorized to impose and collect water rates and sewerage rates which shall be sufficient to provide for the payment of interest and the amortization of the principal of

the cost of said works within a period of fifty years and upon the expiration of said term of fifty years the system of sewers and water works shall revert to and become the properties of the cities of Panama and Colon respectively, and the use of the water shall be free to the inhabitants of Panama and Colon, except to the extent that water rates may be necessary for the operation and maintenance of said system of sewers and water.

The Republic of Panama agrees that the cities of Panama and Colon shall comply in perpetuity with the sanitary ordinances whether of a preventive or curative character prescribed by the United States and in case the Government of Panama is unable or fails in its duty to enforce this compliance by the cities of Panama and Colon with the sanitary ordinances of the United States the Republic of Panama grants to the United States the right and authority to enforce the same.

The same right and authority are granted to the United States for the maintenance of public order in the cities of Panama and Colon and the territories and harbors adjacent thereto in case the Republic of Panama should not be, in the judgment of the United States, able to maintain such order.

ARTICLE VIII.

The Republic of Panama grants to the United States all rights which it now has or hereafter may acquire to the property of the New Panama Canal Company and the Panama Railroad Company as a result of the transfer of sovereignty from the Republic of Colombia to the Republic of Panama over the Isthmus of Panama and authorizes the New Panama Canal Company to sell and transfer to the United States its rights, privileges, properties and concessions as well as the Panama Railroad and all the shares or part of the shares of that company; but the public lands situated outside of the zone described in Article II of this treaty now included in the concessions to both said enterprises and not required in the construction or operation of the Canal shall revert to the Republic of Panama except any property now owned by or in the possession of said companies within Panama or Colon or the ports or terminals thereof.

ARTICLE IX.

The United States agrees that the ports at either entrance of the Canal and the waters thereof, and the Republic of Panama agrees that the towns of Panama and Colon shall be free for all time so that there shall not be imposed or collected custom house tolls, tonnage, anchorage, lighthouse, wharf, pilot, or quarantine dues or any other charges or taxes of any kind upon any vessel using or passing through the Canal or belonging to or employed by the United States,

directly or indirectly, in connection with the construction, maintenance, operation, sanitation and protection of the main Canal, or auxiliary works, or upon the cargo, officers, crew, or passengers of any such vessels, except such tolls and charges as may be imposed by the United States for the use of the Canal and other works, and except tolls and charges imposed by the Republic of Panama upon merchandise destined to be introduced for the consumption of the rest of the Republic of Panama, and upon vessels touching at the ports of Colon and Panama and which do not cross the Canal.

The Government of the Republic of Panama shall have the right to establish in such ports and in the towns of Panama and Colon such houses and guards as it may deem necessary to collect duties on importations destined to other portions of Panama and to prevent contraband trade. The United States shall have the right to make use of the towns and harbors of Panama and Colon as places of anchorage, and for making repairs, for loading, unloading, depositing, or transshipping cargoes either in transit or destined for the service of the Canal and for other works pertaining to the Canal.

ARTICLE X.

The Republic of Panama agrees that there shall not be imposed any taxes, national, municipal, departmental, or of any other class, upon the Canal, the railways and auxiliary works, tugs and other vessels employed in the service of the Canal, store houses, work shops, offices, quarters for laborers, factories of all kinds, warehouses, wharves, machinery and other works, property, and effects appertaining to the Canal or railroad and auxiliary works, or their officers or employees, situated within the cities of Panama and Colon, and that there shall not be imposed contributions or charges of a personal character of any kind upon officers, employees, laborers, and other individuals in the service of the Canal and railroad and auxiliary works.

ARTICLE XI.

The United States agrees that the official dispatches of the Government of the Republic of Panama shall be transmitted over any telegraph and telephone lines established for canal purposes and used for public and private business at rates not higher than those required from officials in the service of the United States.

ARTICLE XII.

The Government of the Republic of Panama shall permit the immigration and free access to the lands and workshops of the Canal and its auxiliary works of all employees and workmen of whatever nationality under contract to work upon or seeking employment upon

or in any wise connected with the said Canal and its auxiliary works, with their respective families, and all such persons shall be free and exempt from the military service of the Republic of Panama.

ARTICLE XIII.

The United States may import at any time into the said zone and auxiliary lands, free of custom duties, imposts, taxes, or other charges, and without any restrictions, any and all vessels, dredges, engines, cars, machinery, tools, explosives, materials, supplies, and other articles necessary and convenient in the construction, maintenance, operation, sanitation and protection of the Canal and auxiliary works, and all provisions, medicines, clothing, supplies and other things necessary and convenient for the officers, employees, workmen and laborers in the service and employ of the United States and for their families. If any such articles are disposed of for use outside of the zone and auxiliary lands granted to the United States and within the territory of the Republic, they shall be subject to the same import or other duties as like articles imported under the laws of the Republic of Panama.

ARTICLE XIV.

As the price or compensation for the rights, powers and privileges granted in this convention by the Republic of Panama to the United States, the Government of the United States agrees to pay to the Republic of Panama the sum of ten million dollars ($10,000,000) in gold coin of the United States on the exchange of the ratification of this convention and also an annual payment during the life of this convention of two hundred and fifty thousand dollars ($250,000) in like gold coin, beginning nine years after the date aforesaid.

The provisions of this Article shall be in addition to all other benefits assured to the Republic of Panama under this convention.

But no delay or difference of opinion under this Article or any other provisions of this treaty shall affect or interrupt the full operation and effect of this convention in all other respects.

ARTICLE XV.

The joint commission referred to in Article VI shall be established as follows:

The President of the United States shall nominate two persons and the President of the Republic of Panama shall nominate two persons and they shall proceed to a decision; but in case of disagreement of the Commission (by reason of their being equally divided in conclusion) an umpire shall be appointed by the two Governments who shall render the decision. In the event of the death, absence, or incapacity of a Commissioner or Umpire, or of his omitting, declining or ceasing to act, his place shall be filled by the appointment of another person in the manner above indicated. All decisions by a majority of the Commission or by the umpire shall be final.

ARTICLE XVI.

The two Governments shall make adequate provision by future agreement for the pursuit, capture, imprisonment, detention and delivery within said zone and auxiliary lands to the authorities of the Republic of Panama of persons charged with the commitment of crimes, felonies or misdemeanors without said zone and for the pursuit, capture, imprisonment, detention and delivery without said zone to the authorities of the United States of persons charged with the commitment of crimes, felonies and misdemeanors within said zone and auxiliary lands.

ARTICLE XVII.

The Republic of Panama grants to the United States the use of all the ports of the Republic open to commerce as places of refuge for any vessels employed in the Canal enterprise, and for all vessels passing or bound to pass through the Canal which may be in distress and be driven to seek refuge in said ports. Such vessels shall be exempt from anchorage and tonnage dues on the part of the Republic of Panama.

ARTICLE XVIII.

The Canal, when constructed, and the entrances thereto shall be neutral in perpetuity, and shall be opened upon the terms provided for by Section I of Article three of, and in conformity with all the stipulations of, the treaty entered into by the Governments of the United States and Great Britain on November 18, 1901.

ARTICLE XIX.

The Government of the Republic of Panama shall have the right to transport over the Canal its vessels and its troops and munitions of war in such vessels at all times without paying charges of any kind. The exemption is to be extended to the auxiliary railway for the transportation of persons in the service of the Republic of Panama, or of the police force charged with the preservation of public order outside of said zone, as well as to their baggage, munitions of war and supplies.

ARTICLE XX.

If by virtue of any existing treaty in relation to the territory of the Isthmus of Panama, whereof the obligations shall descend or be assumed by the Republic of Panama, there may be any privilege or

concession in favor of the Government or the citizens and subjects of a third power relative to an interoceanic means of communication which in any of its terms may be incompatible with the terms of the present convention, the Republic of Panama agrees to cancel or modify such treaty in due form, for which purpose it shall give to the said third power the requisite notification within the term of four months from the date of the present convention, and in case the existing treaty contains no clause permitting its modifications or annulment, the Republic of Panama agrees to procure its modification or annulment in such form that there shall not exist any conflict with the stipulations of the present convention.

ARTICLE XXI.

The rights and privileges granted by the Republic of Panama to the United States in the preceding Articles are understood to be free of all anterior debts, liens, trusts, or liabilities, or concessions or privileges to other Governments, corporations, syndicates or individuals, and consequently, if there should arise any claims on account of the present concessions and privileges or otherwise, the claimants shall resort to the Government of the Republic of Panama and not to the United States for any indemnity or compromise which may be required.

ARTICLE XXII.

The Republic of Panama renounces and grants to the United States the participation to which it might be entitled in the future earnings of the Canal under Article XV of the concessionary contract with Lucien N. B. Wyse now owned by the New Panama Canal Company and any and all other rights or claims of a pecuniary nature arising under or relating to said concession, or arising under or relating to the concessions to the Panama Railroad Company or any extension or modification thereof; and it likewise renounces, confirms and grants to the United States, now and hereafter, all the rights and property reserved in the said concessions which otherwise would belong to Panama at or before the expiration of the terms of ninety-nine years of the concessions granted to or held by the above mentioned party and companies, and all right, title and interest which it now has or may hereafter have, in and to the lands, canal, works, property and rights held by the said companies under said concessions or otherwise, and acquired or to be acquired by the United States from or through the New Panama Canal Company, including any property and rights which might or may in the future either by lapse of time, forfeiture or otherwise, revert to the Republic of Panama under any contracts or concessions, with

said Wyse, the Universal Panama Canal Company, the Panama Railroad Company and the New Panama Canal Company.

The aforesaid rights and property shall be and are free and released from any present or reversionary interest in or claims of Panama and the title of the United States thereto upon consummation of the contemplated purchase by the United States from the New Panama Canal Company, shall be absolute, so far as concerns the Republic of Panama, excepting always the rights of the Republic specifically secured under this treaty.

ARTICLE XXIII.

If it should become necessary at any time to employ armed forces for the safety or protection of the Canal, or of the ships that make use of the same, or the railways and auxiliary works, the United States shall have the right, at all times and in its discretion, to use its police and its land and naval forces or to establish fortifications for these purposes.

ARTICLE XXIV.

No change either in the Government or in the laws and treaties of the Republic of Panama shall, without the consent of the United States, affect any right of the United States under the present convention, or under any treaty stipulation between the two countries that now exists or may hereafter exist touching the subject matter of this convention.

If the Republic of Panama shall hereafter enter as a constituent into any other Government or into any union or confederation of states, so as to merge her sovereignty or independence in such Government, union or confederation, the rights of the United States under this convention shall not be in any respect lessened or impaired.

ARTICLE XXV.

For the better performance of the engagements of this convention and to the end of the efficient protection of the Canal and the preservation of its neutrality, the Government of the Republic of Panama will sell or lease to the United States lands adequate and necessary for naval or coaling stations on the Pacific coast and on the western Caribbean coast of the Republic at certain points to be agreed upon with the President of the United States.

ARTICLE XXVI.

This convention when signed by the Plenipotentiaries of the Contracting Parties shall be ratified by the respective Governments and the ratifications shall be exchanged at Washington at the earliest date possible.

In faith whereof the respective Plenipotentiaries have signed the present convention in duplicate and have hereunto affixed their respective seals.

Done at the City of Washington the 18th day of November in the year of our Lord nineteen hundred and three.

JOHN HAY [SEAL]
P. BUNAU VARILLA [SEAL]

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the twenty-sixth day of February, one thousand nine hundred and four;

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof, may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this twenty-sixth day of February, in the year of our Lord one thousand nine hundred [SEAL] and four, and of the Independence of the United States the one hundred and twenty-eighth.

THEODORE ROOSEVELT

By the President:
JOHN HAY
Secretary of State.

LEGACIÓN DE LA REPÚBLICA DE
PANAMÁ EN WASHINGTON,
Washington, D. C., February 18, 1904.

His Excellency JOHN HAY,
Secretary of State, etc., Washington, D. C.

SIR: I have the honor of acknowledging the receipt of your communication, No. 23, of January 30th, 1904, in which you express to me certain observations about the translation of the treaty of November 18th, 1903, contained in the decree ratifying the Treaty.

I accept in the name of the Government of the Republic what you propose in said letter, which reads as follows:

"SIR: I have the honor to acknowledge the receipt of your note of the 9th instant, transmitting a copy of the decree ratifying the treaty of November 18, 1903, and containing its text in the Spanish language.

"In reply to your request to be notified 'in case the translation is in every respect satisfactory,' I have the honor to invite your attention to a few omissions, as follows:

"1. In Article VIII, line 4, of page 6 of the translation, the words 'á la República de Panamá,' after 'traspaso de soberanía de la República de Colombia,' should be added.

"2. In the same article, last line of the article, the word 'ó' should be inserted between 'puertos' and 'terminales.'

"3. In Article IX, last line but two in the second paragraph of the article on page 7, the words 'cargar, descargar, almacenar y,' omitted from the English text should come before the words 'trasbordar cargas.'

"4. In Article XXII, page 11, line 2 of the last paragraph, the words 'present or' in the English text have been omitted, and should be represented by the words 'ó actuales' placed in the Spanish text after the words 'derechos de reversión.'

"In regard to the exact equivalence of words in both languages, I have to indicate the following changes which appear to be necessary:

"1. In Article VII, line 2 of page 5, the word 'puertos' should be used instead of 'bahías' for the English word 'harbors.'

"2. In Article IX, line 4 of the article, page 6 of the copy submitted by you, the words 'custom-house tolls' have been rendered into 'derechos de aduana,' which are understood to mean duties collected on merchandise entered for actual consumption in the country. It is believed that the word 'peajes' would be preferable.

"3. In Article XIII, line 2 of page 8, the English word 'lands' has been translated 'obras,' for which 'terrenos' should obviously be substituted.

"There are a number of other words the accurate meaning of which may give rise to a difference of interpretation, but inasmuch as there could be no other difficulty in connection with the said words, and in view of the fact that the Spanish text has already been formally approved by your Government, the necessity of making further changes therein will be obviated by your official statement that the English text shall prevail in any case of such difference of interpretation.

"Accept, Mr. Minister, the renewed assurances of my highest consideration.

"FRANCIS B. LOOMIS,
"Acting Secretary."

I am, sir, with great respect, your very obedient servant,
P. BUNAU VARILLA.

DECRETO NÚMERO 24 DE 1903 (DE 2 DE DICIEMBRE), POR EL CUAL SE APRUEBA UN TRATADO CON LOS ESTADOS UNIDOS DE NORTE AMERICA.

La junta de gobierno provisional de la República de Panamá,

Por cuanto se ha celebrado entre el Enviado Extraordinario y Ministro Plenipotenciario de la República acreditado ante el Gobierno de los Estados Unidos de América, y el Señor Secretario de Estado de aquella Nación un tratado que copiado á la letra dice así:

CONVENCIÓN DE CANAL Á TRAVÉS DEL ISTMO.

Los Estados Unidos de América y la República de Panamá, deseosos de asegurar la construcción de un Canal para naves á través del Istmo de Panamá para comunicar los oceanos Atlántico y Pacífico y habiendo expedido el Congreso de los Estados Unidos de América una ley aprobada el 28 de Junio de 1902 en prosecución de aquel objeto por la cual se autoriza al Presidente de los Estados Unidos para adquirir de la República de Colombia dentro de un plazo razonable el control del territorio necesario y perteneciendo actualmente la soberanía de ese territorio á la República de Panamá, las altas partes contratantes han resuelto con ese propósito concluir una convención y han designado de conformidad como sus Plenipotenciarios,

El Presidente de los Estados Unidos de América á John Hay, Secretario de Estado, y

El Gobierno de la República de Panamá á Philippe Bunau-Varilla, Enviado Extraordinario y Ministro Plenipotenciario de la República de Panamá, para ello especialmente facultado por dicho Gobierno, quienes despues de haberse comunicado reciprocamente sus respectivos plenos poderes y de haberlos hayado en buena y debida forma, han convenido y concluído los siguientes artículos:—

ARTÍCULO I.

Los Estados Unidos garantizan y mantendrán la Independencia de la República de Panamá.

ARTÍCULO II.

La República de Panamá concede á perpetuidad á los Estados Unidos el uso, ocupación y control de una zona de tierra y de tierra cubierta por agua, para la construcción, conservación, servicio, sanidad y protección de dicho Canal, zona de una anchura de diez millas que se extenderá cinco millas á cada lado de la línea central del Canal que se va á construir, principiando dicha zona á tres millas de la línea media de la baja mar en el mar Caribe, extendiéndose á través del Istmo y terminando en el océano Pacífico á tres millas de distancia de la línea media de la baja mar, con la condición de que las ciudades de Panamá y Colón y los puertos adyacentes á dichas ciudades que están incluídos dentro de los límites de la zona descrita no quedarán comprendidos en esta concesión. La República de Panamá concede además á perpetuidad á los Estados Unidos el uso, ocupación y control de otras tierras y aguas fuera de la zona arriba descrita que puedan ser necesarias y convenientes para la construcción, conservación, servicio, sanidad y protección de dicha empresa.

La República de Panamá concede también del mismo modo y á perpetuidad á los Estados Unidos todas las islas que se encuentren dentro de los límites de la zona ya descrita y además el grupo de pequeñas islas situadas en la bahía de Panamá y conocidas con los nombres de Naos, Perico, Culebra y Flamenco.

ARTÍCULO III.

La República de Panamá concede á los Estados Unidos todos los derechos, poder y autoridad en la zona mencionada y descrita en el artículo II de este convenio y dentro de los límites de todas las tierras y aguas auxiliares mencionadas y descritas en dicho artículo II las cuales poseerán y ejercitarán los Estados Unidos como si fuesen soberanos del territorio en que dichas tierras y aguas se encuentran situadas, con entera exclusión de la República de Panamá en el ejercicio de tales derechos soberanos, poder ó autoridad.

ARTÍCULO IV.

Como derechos subsidiarios de las concesiones que anteceden la República de Panamá concede á perpetuidad á los Estados Unidos el derecho de usar los ríos, riachuelos, lagos y otras aguas dentro de sus límites para la navegación, provisión de agua ó agua para fuerza motriz ú otros objetos, en cuanto el uso de tales ríos, riachuelos, lagos y aguas puedan ser necesarios y convenientes para la construcción, conservación, servicio, sanidad y protección del dicho Canal.

ARTÍCULO V.

La República de Panamá concede á los Estados Unidos á perpetuidad el monopolio para la construcción, conservación y servicio de cualquier sistema de comunicación por medio de Canal ó ferrocarril á través de su territorio entre el mar Caribe y el océano Pacífico.

ARTÍCULO VI.

Las concesiones que aquí se expresan de ninguna manera invalidarán los títulos de derecho de los ocupantes de tierras ó dueños de propiedad particular en la referida zona, ó en cualquiera de las tierras ó aguas concedidas á los Estados Unidos según las provisiones de cualquier artículo de este tratado, ni tampoco se opondrán á los derechos de tránsito por las vías públicas que pasen á través de la referida zona ó por cualquiera de dichas tierras ó aguas á menos que esos derechos de tránsito ó derechos particulares se hallen en conflicto con los derechos que aquí se le conceden á los Estados Unidos, caso en el cual los derechos de los Estados Unidos serán de mayor valor. Todos los daños que se causen á los dueños de tierras ó de propiedades particulares de cualquiera clase que sean, á causa de las concesiones que contiene este tratado ó por causa de las obras que se efectúen por los Estados Unidos, por sus agentes ó sus empleados, ó debido á la construcción, conservación, servicio, sanidad y protección de dicho Canal ó de las obras de saneamiento y protección de que aquí se hace mérito, serán valorados y arreglados por una comisión mixta que se nombrará por los Gobiernos de los Estados Unidos y de la República de Panamá, y cuyas decisiones con respecto á daños serán finales, y cuyos avalúos serán cubiertos solamente por los Estados Unidos. Ninguna parte de los trabajos del Canal ó del Ferrocarril de Panamá, ni ninguna de las obras auxiliares que á éstos se refieran y autorizadas por los términos de este tratado, será impedida, demorada ni estorbada mientras esten pendientes los procedimientos para averiguar dichos daños. La apreciación de esas tierras ó propiedades particulares y el avalúo de los daños á ellas causados tendrán por base el valor que tenían ántes de celebrarse este tratado.

ARTÍCULO VII.

La República de Panamá concede á los Estados Unidos, dentro de los límites de las ciudades de Panamá y Colón y de sus bahías y territorios adyacentes, el derecho de adquirir por compra ó en ejercicio del derecho de dominio eminente, las tierras, edificios, derechos de aguas ú otras propiedades necesarias y convenientes para la construcción, conservación, servicio y protección del Canal ú otras obras de saneamiento tales como el recogimiento y disposición de desperdicios y la distribución de agua en las referidas ciudades de Panamá y Colón, y que á juicio de los Estados Unidos sean necesarios y convenientes para la construcción, conservación, servicio, saneamiento y protección de dicho Canal y del Ferrocarril. Todas las obras de sanidad, colección y distribución de desperdicios así como la distribución de aguas en las ciudades de Panamá y Colón se ejecutarán por los Estados Unidos y á su costo, y el Gobierno de los Estados Unidos, sus agentes y representantes tendrán autoridad para imponer y cobrar tarifas de agua y de alcantarillado que sean suficientes para proveer al pago de los intereses y á la amortización del capital del costo de esas obras dentro del término de cincuenta años; y al expirar esos cincuenta años el alcantarillado y el acueducto vendrán á ser propiedad de las ciudades de Panamá y Colón, respectivamente, y el uso del agua será libre para los habitantes de Panamá y Colón, excepto en cuanto la contribución de agua sea necesaria para el servicio y conservación de dicho sistema de albañales y acueducto.

La República de Panamá conviene en que las ciudades de Panamá y Colón cumplirán á perpetuidad las disposiciones sanitarias de carácter preventivo ó curativo dictadas por los Estados Unidos y si llega el caso de que el Gobierno de Panamá no pueda ó falte á su deber de hacer que se cumplan tales disposiciones en Panamá y Colón, la República de Panamá concede á los Estados Unidos el derecho y la autoridad de ponerlas en vigor. El mismo derecho y la misma autoridad se concede á los Estados Unidos para el mantenimiento del órden público en las ciudades de Panamá y Colón y sus territorios y bahías adyacentes en caso de que, á juicio de los Estados Unidos, la República de Panamá no pueda mantenerlo.

ARTÍCULO VIII.

La República de Panamá concede á los Estados Unidos todos los derechos que hoy tiene y que más tarde pueda adquirir sobre las propiedades de la Compañía Nueva del Canal de Panamá y la Compañía del Ferrocarril, como resultado del traspaso de soberanía de la República de Colombia sobre el Istmo de Panamá y autoriza á la Compañía Nueva del Canal de Panamá para vender y traspasar á los Estados Unidos sus derechos, privilegios, propiedades y con-

cesiones, como también el Ferrocarril de Panamá, y todas las acciones ó parte de las acciones de dicha Compañía, pero las tierras públicas situadas fuera de la zona descrita en el artículo II de este tratado, actualmente incluidas en las concesiones á ambas de las expresadas Compañías y que no sean necesarias para la construcción y servicio del Canal, volverán á poder de la República con excepción de aquellas propiedades que ahora pertenecen á ó están en posesión de dichas Compañías en Panamá ó Colón ó en los puertos terminales de éstas.

ARTÍCULO IX.

Los Estados Unidos convienen en que los puertos en ambas entradas del Canal y aguas de éstas y la República de Panamá conviene en que las poblaciones de Panamá y Colón sean libres en todo tiempo de modo que en ellos no se impondrá ni cobrarán derechos de aduana, tonelaje, anclaje, faros, muelles, pilotaje ó cuarentena ni ninguna otra contribución ó derecho sobre las naves que usen ó que pasen por el Canal ó que pertenezcan á los Estados Unidos ó que sean empleados por ellos directa ó indirectamente en conexión con la construcción, mantenimiento, servicio, saneamiento y protección del Canal principal ú obras auxiliares ó sobre la carga, oficiales, tripulación ó pasajeros de ninguna de las dichas naves, excepto los derechos é impuestos que establezcan los Estados Unidos por el uso del Canal ú otras obras y excepto los derechos é impuestos que establezca la República de Panamá sobre las mercancías destinadas á ser introducidas para el consumo del resto de la República de Panamá y sobre los buques que toquen en los puertos de Panamá y Colón y que no crucen el Canal.

El Gobierno de la República de Panamá tendrá el derecho de establecer en dichos puertos y en las ciudades de Panamá y Colón los edificios y vigilancia que crea necesarios para el cobro de derechos sobre importaciónes destinadas á otras partes de Panamá y para impedir los contrabandos. Los Estados Unidos tendrán el derecho de hacer uso de las poblaciones y puertos de Panamá y Colón como lugares de anclaje y para hacer reparaciones, trasbordar cargas ya sean de tránsito ó destinadas al servicio de Canal ó para otros trabajos que pertenezcan al Canal.

ARTÍCULO X.

La República de Panamá se obliga á no imponer contribuciones de ninguna clase, ya sean nacionales, municipales ó departamentales sobre el Canal, los ferrocarriles y obras auxiliares, remolcadores, naves empleadas en el servicio de Canal, depósitos, talleres, oficinas, habitaciones para obreros, fábricas de todas clases, almacenes, muelles, maquinaria y demas obras, á sus oficiales ó empleados que se encuentren dentro de las ciudades de Panamá y Colón; y á no establecer contribuciones ó impuestos de carácter personal de ninguna

clase que deban pagar los oficiales, empleados, obreros y demas individuos al servicio del Canal y ferrocarriles y obras auxiliares.

ARTÍCULO XI.

Los Estados Unidos se obligan á trasmitir los despachos oficiales del Gobierno de la República de Panamá por las líneas telegráficas y telefónicas establecidas para el Canal y usadas para negocios públicos y privados á precios no mayores que los exigidos de los empleados al servicio de los Estados Unidos.

ARTÍCULO XII.

El Gobierno de la República de Panamá permitirá la inmigración y libre acceso á las tierras y talleres del Canal y á sus obras auxiliares de todos los empleados y obreros de cualquiera nacionalidad bajo contrato de trabajar en el Canal ó que busquen empleo en él ó que esten relacionados con el dicho Canal y obras auxiliares, con sus respectivas familias y todas estas personas estarán libres del servicio militar de la República de Panamá.

ARTÍCULO XIII.

Los Estados Unidos podrán importar en cualquier tiempo á dicha zona y obras auxiliares, libres de derechos de aduana, impuestos, contribuciones y gravámenes de otra clase y sin ninguna restricción, toda clase de naves, dragas, máquinas, carros, maquinarias, instrumentos, explosivos, materiales, abastos y otros artículos necesarios y convenientes para la construcción, conservación, servicio, sanidad y protección del Canal y de sus obras auxiliares, y todas las provisiones, medicinas, vestidos, abastos y otras cosas necesarias y convenientes para los oficiales, empleados, obreros y jornaleros al servicio y en el empleo de los Estados Unidos y para sus familias. Si de algunos de esos artículos se dispone y se hace uso fuera de la zona y de las tierras accesorias concedidas á los Estados Unidos y dentro del territorio de la República, quedarán sujetos á los mismos impuestos de importación ú otros derechos á que lo están iguales artículos importados bajo las leyes de la República de Panamá.

ARTÍCULO XIV.

Como precio ó compensación por los derechos, poder y privilegios concedidos en esta convención por la Republica de Panamá á los Estados Unidos, el Gobierno de los Estados Unidos se obliga á pagar á la República de Panamá la suma de diez millones de dollars ($10,000,000.00) en oro amonedado de los Estados Unidos al efectuarse el canje de la ratificación de este convenio y también un pago anual de doscientos cincuenta mil dollars ($250,000.00) en la misma moneda de

oro durante la vida de esta convención, principiando nueve años después de la fecha antes expresada.

Las provisiones de este artículo serán en adición á todos los demas beneficios asegurados á la República de Panamá en esta convención. Pero ninguna demora ó diferencia de opiniones respecto de este artículo ó de otras estipulaciones de este tratado afectará ó interrumpirá la completa ejecución y efectos de esta convención en todos los demás respectos.

ARTÍCULO XV.

La Comisión mixta á que se refiere el artículo VI se establecerá como sigue:

El Presidente de los Estados Unidos nombrará dos personas y el Presidente de la República de Panamá nombrará dos personas y ellas procederán á dictar una decisión; pero en caso de desacuerdo de la Comisión (con motivo de estar igualmente divididas sus conclusiones) se nombrará por los dos Gobiernos un dirimente que dictará su decisión. En caso de muerte, ausencia ó incapacidad de un miembro de la comisión ó del dirimente, ó en caso de omisión excusa ó cesación de actuar, su puesto será llenado por nombramiento de otra persona del modo antes indicado. Todas las decisiones dictadas por la mayoría de la Comisión ó por el dirimente serán finales.

ARTÍCULO XVI.

Los dos Gobiernos proveeran de modo adecuado por un arreglo futuro á la persecución, captura, prisión, detención y entrega en dicha zona y tierras accesorias á las autoridades de la República de Panamá de las personas acusadas de la comision de crímenes, delitos ó faltas fuera de dicha zona, y para la persecución, captura, prisión, detención y entrega fuera de dicha zona á las autoridades de los Estados Unidos de personas acusadas de la comisión de crímenes, delitos y faltas en la zona mencionada y sus tierras accesorias.

ARTÍCULO XVII.

La República de Panamá concede á los Estados Unidos el uso de todos los puertos de la República abiertos al comercio, como lugares de refugio para todas las naves empleadas en la Empresa del Canal y para todas aquellas que hallándose en las mismas circunstancias de arribada forzosa vayan destinadas á atravesar el Canal y necesiten anclar en dichos puertos. Esas naves estarán exentas de derechos de anclaje y tonelaje por parte de la República de Panamá.

ARTÍCULO XVIII.

El Canal, una vez construído, y las entradas á él serán neutrales perpetuamente y estarán abiertas en los términos de la sección I del artículo tercero del tratado celebrado entre los Estados Unidos y la Gran Bretaña el 18 de Noviembre de 1901 y de conformidad con las estipulaciones de este tratado.

ARTÍCULO XIX.

El Gobierno de la República de Panamá tendrá el derecho de transportar por el Canal sus naves, tropas y elementos de guerra en esas naves en todo tiempo sin pagar derechos de ninguna clase. Esta exención se extiende al Ferrocarril auxiliar para el trasporte de las personas al servicio de la República de Panamá y de la fuerza de policía encargada de guardar el orden público fuera de la dicha zona, así como para sus equipajes pertrechos y provisiones.

ARTÍCULO XX.

Si en virtud de algún tratado existente en relación con el territorio del Istmo de Panamá, cuyas obligaciones corresponden ó sean asumidas por la República de Panamá, existieren algunos privilegios ó concesiones en favor del Gobierno ó de los ciudadanos y súbditos de una tercera potencia, relativos á una vía de comunicación interoceánica, que en alguna de sus estipulaciones puedan ser incompatibles con los términos de la presente convención, la República de Panamá se obliga á cancelar ó modificar tal tratado en debida forma para lo cual le dará al dicho tercer poder la necesaria notificación dentro del término de cuatro meses desde la fecha de esta convención, y en caso de que el tratado existente no contenga cláusula que permita su modificación ó anulación, la República de Panamá se obliga á procurar su modificación ó anulación en tal forma que no exista conflicto con las estipulaciones de la presente convención.

ARTÍCULO XXI.

Los derechos y privilegios concedidos por la República de Panamá á los Estados Unidos en los artículos precedentes se entiende que están libres de toda deuda, limitación, enfiteusis ó responsabilidad anterior, ó de concesiones ó privilegios á otros Gobiernos, corporaciones, sindicatos é individuos, y en consecuencia si surgieren algunos reclamos con motivo de las presentes concesiones y privilegios ó de otro modo los reclamantes se dirigirán contra la República de Panamá y no contra los Estados Unidos para obtener la indemnización ó el arreglo que pueda ser del caso.

ARTÍCULO XXII.

La República de Panamá renuncia y concede á los Estados Unidos la participación á que puede tener derecho en los futuros productos del Canal fijada en el artículo XV del Contrato de concesión celebrado con Lucien N. B. Wyse del cual hoy es dueño la Compañía Nueva del Canal de Panamá y á cualesquiera otros derechos ó reclamos de naturaleza pecuniaria que pudieran originarse de esa concesión ó relativos á ella ó que pudieran surgir de las concesiones á la Compañia del Ferrocarril de Panamá ó relativas á ellas, ó á algunas de sus modificaciones ó prorrogas; y del mismo modo renuncia, confirma y concede á los Estados Unidos desde ahora y para el futuro todos los derechos y propiedades reservadas en las mencionadas concesiones y que de otro modo habrían de corresponderle á Panamá ántes ó á la expiración de los términos de noventa y nueve años de las concesiones otorgadas, al interesado y á las Compañias arriba mencionadas y todo derecho, título y participación que ahora tenga y que en lo futuro pueda corresponderle en las tierras en el Canal, en las obras propiedades y derechos pertenecientes á dichas compañias en virtud de las citadas concesiones ó de otra manera, y los que los Estados Unidos hayan adquirido ó adquieran de la Compañia Nueva del Canal de Panamá ó por su conducto incluyendo cualesquiera propiedades ó derechos que en lo futuro pudieren corresponderle á la República de Panamá en virtud del trascurso del tiempo de caducidad ó de otra manera, en virtud de reversión según los contratos ó concesiones con dicho Wyse, la Compañia Universal del Canal de Panamá, la Compañia del Ferrocarril de Panamá y la Compañia nueva del Canal de Panamá.

Los arriba mencionados derechos y propiedades quedarán libres de todos los derechos de reversión que pueda tener Panamá y el título de los Estados Unidos, cuando se efectúe la compra proyectada á la Compañía Nueva del Canal de Panamá, será absoluto en cuanto toca á la República de Panamá, exceptuándose siempre los derechos de la República expresamente asegurados en este tratado.

ARTÍCULO XXIII.

Si en algún tiempo fuere necesario el empleo de fuerzas armadas para la seguridad y protección del Canal ó de las naves que lo usen, ó de los ferrocarriles y obras auxiliares, los Estados Unidos tendrán el derecho en todo tiempo y á su juicio para usar su fuerza de policía y sus fuerzas terrestres y navales ó para establecer fortificaciones con ese objeto.

ARTÍCULO XXIV.

Ningún cambio en el Gobierno ó en las leyes y tratados de la República de Panamá afectará, sin el consentimiento de los Estados Unidos, los derechos que correspondan á los Estados Unidos en virtud de esta convención ó en virtud de estipulaciones en tratados que existen entre los dos países ó que para lo futuro lleguen á existir en lo relativo al objeto de esta convención.

Si la República de Panamá llegare á ser más tarde parte constituyente de otro Gobierno ó forme unión ó confederación de Estados de tal modo que su soberanía ó independencia quede confundida con la de otro Gobierno, unión ó confederación, los derechos de los Estados Unidos según esta convención no serán de manera alguna minorados ó restringidos.

ARTÍCULO XXV.

Para el mejor cumplimiento de las obligaciones de esta convención y con el fin de dar protección eficaz al Canal y de preservar su neutralidad, el Gobierno de la República de Panamá venderá ó arrendará á los Estados Unidos las tierras adecuadas y necesarias para estaciones navales ó carboneras en la costa del Pacífico y en la parte occidental de la costa del mar Caribe de la República en ciertos puntos que serán convenidos con el Presidente de los Estados Unidos.

ARTÍCULO XXVI.

Esta Convención, despues de firmada por los Plenipotenciarios de las partes contratantes, será ratificada por los respectivos Gobiernos y las ratificaciones canjeadas en Washington á la mayor brevedad posible.

En fé de lo cual los respectivos Plenipotenciarios firman la presente convención en duplicado y la sellan con sus respectivos sellos.

Hecha en la ciudad de Washington el 18 de Noviembre del año del Señor de mil novecientos tres.

(Fdo.) P. BUNAU-VARILLA [HAY UN SELLO]
(Fdo.) JOHN HAY. [HAY UN SELLO]

y Considerando:

1° Que en ese Tratado se ha obtenido para la República la garantía de su Independencia;

2° Que por razones de seguridad exterior es indispensable proceder con la mayor celeridad á la consideración del Tratado, á efecto de que esa obligación principal por parte de los Estados Unidos de América, principie á ser cumplida con eficacia;

3° Que con el tratado se realiza la aspiración de los pueblos del Istmo cual es la apertura del Canal y su servicio en favor del comercio de todas las naciones; y

4° Que la Junta de Gobierno Provisional formada por voluntad unánime de los pueblos de la República, posee todos los poderes del soberano del territorio,

DECRETA:

Artículo único. Apruébese el tratado celebrado en Washington, Distrito Capital de la República de los Estados Unidos de América, el día 18 de Noviembre del presente año, entre su Excelencia Philippe Bunau-Varilla, Enviado Extraordinario y Ministro Plenipotenciario de esta República y Su Excelencia John Hay, Secretario de Estado de la República de los Estados Unidos de América.

Publíquese.

Dado en Panamá, á 2 de Diciembre de 1903.

(sgd.) J. A. ARANGO. (sgd.) TOMAS ARIAS.
(sgd.) MANUEL ESPINOZA B.

El Ministro de Gobierno
(sgd.) EUSEBIO A. MORALES
El Ministro de Relaciones Exteriores
(sgd.) F. V. DE LA ESPRIELLA
El Ministro de Justicia
(sgd.) CARLOS A. MENDOZA
El Ministro de Hacienda
(sgd.) MANUEL E. AMADOR
El Ministro de Guerra y Marina
(sgd.) NICANOR A. DE OBARRIO
Por el Ministro de Instrucción Pública,
El Subsecretario, (sgd.) FRANCISCO A. FACIO

[HAY UN SELLO DE LA REPÚBLICA DE PANAMÁ.]

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