

ECONOMIC COOPERATION

Guaranties Under Public Law 472, 80th Congress,
as Amended

Agreement between the
UNITED STATES OF AMERICA
and FRANCE

- Effected by Exchange of Notes
Signed at Washington July 9 and 22, 1952
- Entered into force July 24, 1952



The Acting Secretary of State to the French Chargé d'Affaires ad interim

DEPARTMENT OF STATE
WASHINGTON

Jul 9 1952

SIR:

I refer to the conversations which have recently taken place between representatives of our two Governments relating to Article III of the Economic Cooperation Agreement between the United States of America and the Republic of France, signed at Paris on June 28, 1948, [1] as heretofore amended or supplemented. [2] As a consequence of these conversations, the Government of the United States of America proposes the following agreement to the Government of the Republic of France:

The Governments of the Republic of France and of the United States of America will, upon the request of either of them, consult respecting projects in the Republic of France proposed by nationals of the United States of America with regard to which guaranties under Section 111 (b) (3) of the Economic Cooperation Act of 1948, as heretofore amended, [3] have been made or are under consideration. With respect to such guaranties extending to projects which are approved by the Government of the Republic of France in accordance with the provisions of the aforesaid Section, the Government of the Republic of France agrees:

- a. That if the Government of the United States of America makes payment in United States dollars to any person under any such guaranty, the Government of the Republic of France will recognize the transfer to the United States of America of any right, title or interest of such person in assets, currency, credits, or other property on account of which such payment was made and the subrogation of the United States of America to any claim or cause of action of such person arising in connection therewith. The Government of the Republic of France shall also recognize any transfer to the Government of the United States of America pursuant to such guaranty of any compensation for loss covered

¹ Treaties and Other International Acts Series 1783; 62 Stat., pt. 2, p. 2227.

² TIAS 1897; 62 Stat., pt. 3, p. 3720; 2023; 1 UST 151; 2264; 2 UST 1173; and 2359.

³ 62 Stat. 144; 22 U. S. C. § 1509 (b) (3).

- by such guaranties received from any source other than the Government of the United States of America;
- b. That any claim against the Government of the Republic of France to which the Government of the United States of America may be subrogated as the result of any payment under such a guaranty shall be deemed to be an espoused claim subject to the procedures provided in Article X of the aforesaid Economic Cooperation Agreement, whether or not the condition stated in paragraph 3 of said Article X has been satisfied;
- c. That any currency transferred to the United States of America pursuant to the terms of any such guaranty shall be accorded the treatment provided in the second paragraph of the letter of March 3, 1949 from the Financial Counsellor of the French Embassy to the United States Administrator for Economic Cooperation.

If this proposal is acceptable to the Government of the Republic of France it is suggested that you reply by note. This note, together with such reply, will constitute an agreement between our two Governments on this subject, the agreement to enter into force on the date of receipt of your reply note.

Accept, Sir, the renewed assurances of my high consideration.

For the Acting Secretary of State:

JAMES C. H. BONBRIGHT

The Honorable

JEAN DARIDAN,

*Chargé d'Affaires ad interim of the
French Republic.*

The French Ambassador to the Secretary of State

AMBASSADE DE FRANCE
AUX ETATS-UNIS

409

WASHINGTON, le le 22 Juillet 1952.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Je me réfère aux conversations qui ont eu lieu récemment entre les représentants de nos deux Gouvernements, au sujet de l'Article III, amendé et complété, de l'Accord de Coopération Economique signé à Paris, le 28 juin 1948, par les Etats-Unis d'Amérique et la République Française.

Comme suite à ces conversations, le Gouvernement des Etats-Unis d'Amérique a proposé, par la note de Votre Excellence en date

du 9 Juillet, le texte d'accord suivant au Gouvernement de la République Française:

Les Gouvernements de la République Française et des Etats-Unis d'Amérique se consulteront, à la requête de l'un ou l'autre d'entre eux, au sujet des projets que des ressortissants des Etats-Unis d'Amérique envisagent de réaliser en France, et à l'égard desquels les garanties prévues dans la section III (b) (3) de la Loi de Coopération Economique de 1948, amendée par la suite, ont été données ou sont en cours d'étude. En ce qui concerne de telles garanties s'étendant à des projets approuvés par lui conformément aux dispositions de la section précitée, le Gouvernement de la République Française donne son agrément à ce qui suit:

- a) Si le Gouvernement des Etats-Unis d'Amérique fait un paiement en dollars à une personne quelconque au titre d'une telle garantie, le Gouvernement de la République Française reconnaîtra le transfert au Gouvernement des Etats-Unis d'Amérique de tout droit, titre ou intérêt de cette personne à ou dans des avoirs, monnaies, crédits ou toute autre forme de propriété pour lesquels le paiement mentionné ci-dessus a été effectué; le Gouvernement Français reconnaîtra également la subrogation du Gouvernement des Etats-Unis dans toutes réclamations ou recours en justice qui en découleraient.

Le Gouvernement de la République Française reconnaîtra également le transfert au Gouvernement des Etats-Unis d'Amérique à la suite d'une telle garantie, de toute compensation pour les pertes couvertes par de telles garanties reçues de toute autre source que le Gouvernement des Etats-Unis d'Amérique.

- b) Toute réclamation contre le Gouvernement de la République Française à laquelle le Gouvernement des Etats-Unis pourrait être subrogé comme conséquence d'un paiement fait au titre d'une telle garantie sera considérée comme une réclamation que ce Gouvernement aura "faite sienne" et, comme telle, soumise aux procédures prévues à l'article X de l'Accord de Coopération Economique, précité; et ce, que la condition stipulée au paragraphe 3 dudit article X soit, ou non, remplie.
- c) Toute somme d'argent transférée au Gouvernement des Etats-Unis d'Amérique comme suite aux dispositions d'une telle garantie, bénéficiera du régime prévu au second paragraphe de la lettre adressée le 3 mars 1949 par l'Attaché Financier près l'Ambassade de France, à l'Administrateur américain de la Coopération Economique.

Le Gouvernement de la République Française accepte ces propositions.

La présente note et la note de Votre Excellence du 9 Juillet vaudront accord de nos deux Gouvernements sur ce sujet; cet accord entrera en vigueur avec l'envoi à Votre Excellence de la présente note./.

Veillez agréer, Monsieur le Secrétaire d'Etat, les assurances renouvelées de ma haute considération.

H BONNET

Son Excellence
Monsieur DEAN ACHESON,
Secrétaire d'Etat,
Washington, D. C.

Translation

EMBASSY OF FRANCE
IN THE UNITED STATES

409

WASHINGTON, *July 22, 1952.*

MR. SECRETARY OF STATE,

I refer to the conversations which took place recently between the representatives of our two Governments on the subject of Article III, as amended and completed, of the Agreement for Economic Cooperation signed at Paris on June 28, 1948, by the United States of America and the French Republic.

Following those conversations the Government of the United States of America proposed, in Your Excellency's note dated July 9, the following text of agreement to the Government of the French Republic:

[For the English language text of the agreement, see *ante*, p. 1.]

The Government of the French Republic accepts these proposals.

The present note and Your Excellency's note of July 9 shall constitute an agreement of our two Governments on this matter; this agreement shall come into force with the dispatch to Your Excellency of the present note.

Please accept, Mr. Secretary of State, the renewed assurances of my high consideration.

H BONNET

His Excellency
DEAN ACHESON,
Secretary of State,
Washington, D. C.

**ECONOMIC COOPERATION
WITH FRANCE**

Under Public Law 472—80th Congress

Agreements between the
UNITED STATES OF AMERICA
and FRANCE

Amending Agreement of June 28, 1948

- Effected by Exchange of Notes
Dated at Paris September 21 and
October 8, 1948
- Entered into force October 8, 1948

- And Exchange of Notes
Signed at Paris November 17 and
20, 1948
- Entered into force November 20, 1948



The American Embassy to the French Ministry of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 907.

Paris, September 21, 1948.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and has the honor to refer to the Economic Cooperation Agreement between the United States of America and France signed on June 28, 1948.^[1] Examination of the official text of this Agreement has revealed a clerical error in Article XII, paragraph 2, which seriously affects the substance of this paragraph. The proviso at the end of sub-paragraph (b),^[2] which reads:

“provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.”

should begin at the margin and should not be a part of sub-paragraph (b). In other words, this proviso should modify both sub-paragraph (a) and sub-paragraph (b).

The Embassy suggests that this note and the reply of the Foreign Office should constitute a recognition by the two Governments of the clerical error mentioned above and their agreement that the proviso applies to termination under both sub-paragraph (a) and sub-paragraph (b) of Article XII, paragraph 2, of the Agreement under reference.

DJR

The MINISTRY OF FOREIGN AFFAIRS,
Paris.

¹ Treaties and Other International Acts Series 1783.

² *Ibid.*, p. 15.

The French Ministry of Foreign Affairs to the American Embassy

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

LIBERTÉ-ÉGALITÉ-FRATERNITÉ
RÉPUBLIQUE FRANÇAISE

Service de Coopération Economique

PARIS, le

Le Ministère des Affaires Etrangères présente ses compliments à l'Ambassade des Etats-Unis et, en réponse à la note du 21 septembre de cette Ambassade, au sujet de l'interprétation de l'Article XII paragraphe 2 de l'Accord de Coopération Economique entre la France et les Etats-Unis d'Amérique relatif à l'application du programme de relèvement européen, a l'honneur de lui faire savoir que le texte en langue française de cet Accord, tel qu'il est rédigé, ne comporte pas d'erreur de présentation.

La seule interprétation qu'il soit possible de donner du document original en langue française est conforme à celle indiquée par l'Ambassade des Etats-Unis dans la note n° 907, c'est-à-dire que la réserve qui se trouve à la fin du sous-paragraphe (b):

“ . . . étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 Juin 1953.”

modifie à la fois le sous-paragraphe (a) et le sous-paragraphe (b).

En conséquence, le Ministère des Affaires Etrangères a l'honneur de faire savoir à l'Ambassade des Etats-Unis qu'il est d'accord pour que le texte officiel en langue anglaise relatif à l'Article XII paragraphe (b) soit modifié dans sa présentation, conformément aux indications données dans la note n° 907 de l'Ambassade des Etats-Unis mais qu'il estime inutile d'apporter une modification au texte original en langue française./.

-8 Oct 1948

AMBASSADE DES ETATS-UNIS
Paris.

Translation

MINISTRY
OF
FOREIGN AFFAIRS

LIBERTY, EQUALITY, FRATERNITY
FRENCH REPUBLIC

Economic Cooperation Service

PARIS,

The Ministry of Foreign Affairs presents its compliments to the Embassy of the United States and, in reply to the Embassy's note of September 21, with regard to the interpretation of Article XII, paragraph 2, of the Economic Cooperation Agreement between France and the United States of America relating to the application of the European recovery program, has the honor to inform it that the French text of this Agreement, as worded, does not contain any error in presentation.

The only interpretation it is possible to give to the original document in the French language is in conformity with that indicated by the Embassy of the United States in note No. 907, that is, that the reservation which is at the end of sub-paragraph (b):

“. . . étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 Juin 1953."

modifies both sub-paragraph (a) and sub-paragraph (b).

Consequently, the Ministry of Foreign Affairs has the honor to inform the Embassy of the United States that it is in agreement that the official text in the English language relating to Article XII, paragraph (b), should be amended in its presentation, in conformity with the indications given in note No. 907 of the Embassy of the United States, but that it considers it unnecessary to make an amendment in the original text in the French language.

Oct. 8, 1948

EMBASSY OF THE UNITED STATES
Paris.

The American Ambassador to the French Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA
Paris, November 17, 1948

No. 1211

EXCELLENCY:

I have the honor to refer to the Economic Cooperation Agreement between our two Governments which was signed on June 28, 1948.^[1] and to call your attention to an apparent discrepancy between the English and French texts in paragraph 5 of Article IV.^[2] The English text in question reads as follows: ". . . from any point of entry in France to the consignee's designated point of delivery in France . . .". The French text of this passage reads as follows: ". . ., depuis le lieu d'entrée en territoire métropolitain français, jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français."

In order that the paragraph under reference in the French text may have the same territorial applicability as that in the English text, when considered in the light of Article XI, I suggest that the French text be amended to read as follows: ". . ., depuis le lieu d'entrée en France, jusqu'au point de destination indiqué par le destinataire en France."

If you agree, I propose that this note and your reply constitute a record of agreement to the abovementioned suggested amendment to the French text of the Economic Cooperation Agreement.

Please accept, Excellency, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

His Excellency

M. ROBERT SCHUMAN,
Minister of Foreign Affairs,
Paris.

¹ Treaties and Other International Acts Series 1783.

² *Ibid.*, pp. 8 and 23.

The French Minister of Foreign Affairs to the American Ambassador

LIBERTÉ · ÉGALITÉ · FRATERNITÉ

RÉPUBLIQUE FRANÇAISE

MINISTÈRE
DES
AFFAIRES ÉTRANGÈRES

PARIS, le 20 Novembre 1948

MONSIEUR L'AMBASSADEUR,

Votre Excellence a bien voulu attirer mon attention, par sa communication du 17 novembre, sur une légère différence de texte qui apparaît entre la version française et la version anglaise de l'Accord de Coopération Economique signé entre les deux Gouvernements le 28 juin dernier.

Le paragraphe 5 de l'Article 4 de cet Accord se lit en effet ". . . from any point of entry in France to the consignee's designated point of delivery in France . . .", alors que le texte français porte ". . . depuis le lieu d'entrée en territoire métropolitain français, jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français".

Ainsi que Votre Excellence a bien voulu le suggérer, le texte français devrait se lire dorénavant ". . . depuis le lieu d'entrée en France, jusqu'au point de destination indiqué par le destinataire en France", l'expression "France" devant être entendue au sens de l'Article XI de l'Accord.

Ainsi que Votre Excellence a bien voulu le proposer, sa lettre du 17 Novembre et ma réponse de ce jour constitueront l'accord de nos deux Gouvernements à la modification de rédaction envisagée.

Je saisis cette occasion, Monsieur l'Ambassadeur, pour renouveler à Votre Excellence les assurances de ma haute considération./.

SCHUMAN

Son Excellence

l'Honorable JEFFERSON CAFFERY

Ambassadeur des Etats-Unis d'Amérique

à Paris.

Translation

LIBERTY, EQUALITY, FRATERNITY
—
FRENCH REPUBLIC

MINISTRY
OF
FOREIGN AFFAIRS
—

PARIS, *November 20, 1948*

MR. AMBASSADOR:

Your Excellency was so good as to call my attention, in your communication of November 17, to a slight difference in the texts of the French and English versions of the Economic Cooperation Agreement signed between the two Governments on June 28, last.

Paragraph 5 of Article 4 of this Agreement reads in effect: ". . . from any point of entry in France to the consignee's designated point of delivery in France . . . ", while the French text states: ". . . from any point of entry in French metropolitan territory to the consignee's designated point of delivery in French metropolitan territory".

As you were good enough to suggest, the French text should henceforth read ". . . depuis le lieu d'entrés en France, jusqu'au point de destination indiqué par le destinataire en France", the word "France" being understood in the sense of Article XI of the Agreement.

As you were so good as to propose, your letter of November 17 and my reply of today's date shall constitute the agreement of our two Governments to the amendment in wording envisaged.

I avail myself of this occasion, Mr. Ambassador, to renew to Your Excellency the assurances of my high consideration.

SCHUMAN

His Excellency

JEFFERSON CAFFERY,

Ambassador of the United States of America

in Paris.



X-72 Cy 2 - Fds/Frame

TREATIES AND OTHER INTERNATIONAL ACTS SERIES 1783

ECONOMIC COOPERATION WITH FRANCE

Under Public Law 472—80th Congress

Agreement Between the
UNITED STATES OF AMERICA
and FRANCE

- Signed at Paris June 28, 1948
- Entered into Force July 10, 1948



1954]

CONTENTS

	Page
English language text	3
French language text	13
Public Law 472, 80th Congress	34

ECONOMIC COOPERATION AGREEMENT

between

THE UNITED STATES OF AMERICA

and

FRANCE

Preamble

The Government of the United States of America
and
The Government of France:

Recognizing that the restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance;

Recognizing that a strong and prosperous European economy is essential for the attainment of the purposes of the United Nations;

Considering that the achievement of such conditions calls for a European recovery plan of self-help and mutual cooperation, open to all nations which cooperate in such a plan, based upon a strong production effort, the expansion of foreign trade, the creation or maintenance of internal financial stability and the development of economic cooperation, including all possible steps to establish and maintain valid rates of exchange and to reduce trade barriers;

Considering that in furtherance of these principles the Government of France has joined with other likeminded nations in a Convention for European Economic Cooperation signed at Paris on April 16, 1948, [1] under which the signatories of that Convention agreed to undertake as their immediate task the elaboration and execution of a joint recovery program, and that the Government of France is a member of the Organization for European Economic Cooperation created pursuant to the provisions of that Convention;

Considering also that, in furtherance of these principles, the Government of the United States of America has enacted the Economic Cooperation Act of 1948, [2] providing for the furnishing of assistance by the United States of America to nations participating in a joint program for European recovery, in order to enable such nations through their own individual and concerted efforts to become independent of extraordinary outside economic assistance;

Taking note that the Government of France has already expressed its adherence to the purposes and policies of the Economic Cooperation Act of 1948;

¹ Department of State publication 3145.

² Public Law 472, 80th Cong., *post*, pp. 34ff.

Desiring to set forth the understandings which govern the furnishing of assistance by the Government of the United States of America under the Economic Cooperation Act of 1948, the receipt of such assistance by France, and the measures which the two Governments will take individually and together in furthering the recovery of France as an integral part of the joint program for European recovery; Have agreed as follows:

Article I

(Assistance and Cooperation)

1. The Government of the United States of America undertakes to assist France by making available to the Government of France or to any person, agency or organization designated by the latter Government such assistance as may be requested by it and approved by the Government of the United States of America. The Government of the United States of America will furnish this assistance under the provisions, and subject to all of the terms, conditions and termination provisions of the Economic Cooperation Act of 1948, Acts amendatory and supplementary thereto and appropriation Acts thereunder, and will make available to the Government of France only such commodities, services and other assistance as are authorized to be made available by such Acts.

2. The Government of France, acting individually and through the Organization for European Economic Cooperation, consistently with the Convention for European Economic Cooperation signed at Paris on April 16, 1948, will exert sustained efforts in common with other participating countries speedily to achieve through a joint recovery program economic conditions in Europe essential to lasting peace and prosperity and to enable the countries of Europe participating in such a joint recovery program to become independent of extraordinary outside economic assistance within the period of this Agreement. The Government of France reaffirms its intention to take action to carry out the provisions of the general obligations of the Convention for European Economic Cooperation, to continue to participate actively in the work of the Organization for European Economic Cooperation, and to continue to adhere to the purposes and policies of the Economic Cooperation Act of 1948.

3. With respect to assistance furnished by the Government of the United States of America to France and procured from areas outside the United States of America, its territories and possessions, the Government of France will cooperate with the Government of the United States of America in ensuring that procurement will be effected at reasonable prices and on reasonable terms and so as to arrange that the dollars thereby made available to the country from which the assistance is procured are used in a manner consistent

with States

1. ment of An

effi clu

pl te E U d n n p t o c o

h govern the furnishing
ted of America
8, the receipt of such
the two Governments
ering the recovery of
for European recovery;

with any arrangements made by the Government of the United States of America with such country.

Article II

(General Undertakings)

1. In order to achieve the maximum recovery through the employment of assistance received from the Government of the United States of America, the Government of France will use its best endeavors:

a) To adopt or maintain the measures necessary to ensure efficient and practical use of all the resources available to it, including

1) Such measures as may be necessary to ensure that the commodities and services obtained with assistance furnished under this Agreement are used for purposes consistent with this Agreement and, as far as practicable, with the general purposes outlined in the schedules furnished by the Government of France in support of the requirements of assistance to be furnished by the Government of the United States of America;

2) The observation and review of the use of such resources through an effective follow-up system approved by the Organization for European Economic Cooperation; and

3) To the extent practicable, measures to locate, identify and put into appropriate use in furtherance of the joint program for European recovery assets, and earnings therefrom, which belong to nationals of France and which are situated within the United States of America, its territories or possessions. Nothing in this clause imposes any obligation on the Government of the United States of America to assist in carrying out such measures or on the Government of France to dispose of such assets.

b) To promote the development of industrial and agricultural production on a sound economic basis; to achieve such production targets as may be established through the Organization for European Economic Cooperation; and when desired by the Government of the United States of America to communicate to that Government detailed proposals for specific projects contemplated by the Government of France to be undertaken in substantial part with assistance made available pursuant to this Agreement, including whenever practicable projects for increased production of coal, steel, transportation facilities and food;

c) To stabilize its currency, establish or maintain a valid rate of exchange, balance its governmental budget as soon as practicable, create or maintain internal financial stability, and generally restore or maintain confidence in its monetary system; and

on)

America undertakes to
ernment of France or to
l by the latter Govern-
it and approved by the
. The Government of
is assistance under the
ditions and termination
1948, Acts amendatory
a Acts thereunder, and
nce only such commod-
authorized to be made

ividually and through
operation, consistently
c Cooperation signed at
efforts in common with
chie through a joint
rope ntial to lasting
itries of Europe partici-
become independent of
ithin the period of this
affirms its intention to
e general obligations of
peration, to continue to
ganization for European
here to the purposes and
1948.

by the Government of
nd procured from areas
rritories and possessions,
h the Government of the
at procurement will be
able terms and so as to
able to the country from
in a manner consistent

d) To cooperate with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and in reducing public and private barriers to trade among themselves and with other countries.

2. Taking into account Article 8 of the Convention for European Economic Cooperation looking toward the full and effective use of manpower available in the participating countries, the Government of France will accord sympathetic consideration to proposals made in conjunction with the International Refugee Organization directed to the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this Agreement.

3. The Government of France will take the measures which it deems appropriate, and will cooperate with other participating countries, to prevent, on the part of private or public commercial enterprises, business practices or business arrangements affecting international trade which restrain competition, limit access to markets or foster monopolistic control whenever such practices or arrangements have the effect of interfering with the achievement of the joint program of European recovery.

Article III

(Guaranties)

1. The Governments of the United States of America and France will, upon the request of either Government, consult respecting projects in France proposed by nationals of the United States of America and with regard to which the Government of the United States of America may appropriately make guaranties of currency transfer under Section 111 (b) (3) of the Economic Cooperation Act of 1948.

2. The Government of France agrees that if the Government of the United States of America makes payment in United States dollars to any person under such a guaranty, any francs, or credits in francs, assigned or transferred to the Government of the United States of America pursuant to that Section shall be recognized as property of the Government of the United States of America.

Article IV

(Local Currency)

1. The provisions of this Article shall apply only with respect to assistance which may be furnished by the Government of the United States of America on a grant basis.

2. The Government of France will establish a special account in the Bank of France in the name of the Crédit National (hereinafter called the Special Account) and will make deposits in francs to this account as follows:

a) The unencumbered balance at the close of business on the day of the signature of this Agreement in the Special Account in the Bank of France in the name of the Crédit National established pursuant to the Agreement between the Government of the United States of America and the Government of France made on January 2, 1948, and any further sums which may, from time to time, be required by such agreement to be deposited in the Special Account. It is understood that subsection (e) of Section 114 of the Economic Cooperation Act of 1948 constitutes the approval and determination of the Government of the United States of America with respect to the disposition of such balance, referred to in that Agreement.

b) The unencumbered balances of the deposits made by the Government of France pursuant to the exchange of notes between the two Governments dated April 22, 1948.

c) Amounts commensurate with the indicated dollar cost to the Government of the United States of America of commodities, services and technical information (including any costs of processing, storing, transporting, repairing or other services incident thereto) made available to France on a grant basis by any means authorized under the Economic Cooperation Act of 1948 less, however, the amount of the deposits made pursuant to the exchange of notes referred to in subparagraph (b). The Government of the United States of America shall from time to time notify the Government of France of the indicated dollar cost of any such commodities, services and technical information, and the Government of France will thereupon deposit in the Special Account a commensurate amount of francs computed at a rate of exchange which shall be the par value agreed at such time with the International Monetary Fund provided that this agreed value is the single rate applicable to the purchase of dollars for imports into France. If at the time of notification a par value for the franc is agreed with the Fund and there are one or more other rates legally available in France for the purchase of dollars, or, if at the time of notification no par value for the franc is agreed with the Fund, the rate or rates for this particular purpose shall be mutually agreed upon between the Government of France and the Government of the United States of America, each of which rates shall be an actual or average rate currently available in France at the time of notification, in accordance with French laws and regulations. The Government of France may at any time make advance deposits in the Special

countries in facilitat-
of and services
the aties and in
among themselves and

vention for European
and effective use of
es, the Government of
to proposals made in
ganization directed to
available in any of the
accomplishment of the

ie measures which it
other participating
or public commercial
rangements affecting
imit access to markets
ctices or arrangements
nent of the joint pro-

America and France
t, consult respecting
the ed States of
nme of the United
uaranties of currency
omic Cooperation Act

if the Government of
United States dollars
s, or credits in francs,
the United States of
gnized as property of
ca.

only with respect to
ernment of the United

Account which shall be credited against subsequent notifications pursuant to this paragraph.

3. The Government of the United States of America will from time to time notify the Government of France of its requirements for administrative expenditures in francs within France incident to operations under the Economic Cooperation Act of 1948, and the Government of France will thereupon make such sums available out of any balances in the Special Account in the manner requested by the Government of the United States of America in the notification.

4. Five per cent of each deposit made pursuant to this Article in respect of assistance furnished under authority of the Foreign Aid Appropriation Act, 1949,^[1] shall be allocated to the use of the Government of the United States of America for its expenditures in France, and sums made available pursuant to paragraph 3 of this Article shall first be charged to the amounts allocated under this paragraph.

5. The Government of France will further make such sums of francs available out of any balances in the Special Account as may be required to cover costs (including port, storage, handling and similar charges) of transportation from any point of entry in France to the consignee's designated point of delivery in France of such relief supplies and packages as are referred to in Article VI.

6. The Government of France may draw upon any remaining balance in the Special Account for such purposes as may be agreed from time to time with the Government of the United States of America. In considering proposals put forward by the Government of France for drawings from the Special Account, the Government of the United States of America will take into account the need for promoting or maintaining internal monetary and financial stabilization in France and for stimulating productive activity and international trade and the exploration for and development of new sources of wealth within France, including in particular:

a) Expenditures upon projects or programs, including those which are part of a comprehensive program for the development of the productive capacity of France and the other participating countries, and projects or programs the external costs of which are being covered by assistance rendered by the Government of the United States of America under the Economic Cooperation Act of 1948 or otherwise, or by loans from the International Bank for Reconstruction and Development;

b) Expenditures upon the exploration for and development of additional production of materials which may be required in the United States of America because of deficiencies or potential deficiencies in the resources of the United States of America; and

¹ Public Law 793, 80th Cong.

hel
7.
alloc
Acco
purp
Unit
agree
by A
Ame

1.
Unit
teria
of A
own
or ot
may
Ame
of Fr
The
be n
the I
Fran
mate
Fran
State
neces

2.
the
parti
requ
nego
abilit
liver
requ
or pe
so as
share
absol
prote
of A
creat

sequent notifications

f America will from
of its requirements
in France incident
Act of 1948, and the
h sums available out
manner requested by
a in the notification.
ant to this Article in
of the Foreign Aid
the use of the Gov-
penditures in France,
3 of this Article shall
this paragraph.

make such sums of
cial Account as may
storage, handling and
nt of entry in France
France of such relief
le VI.

on any remaining bal-
s may be agreed from
ed States of America.
overnment of France
arnment of the United
eed promoting or
table on in France
ternational trade and
rces of wealth within

rams, including those
or the development of
e other participating
ternal costs of which
y the Government of
omic Cooperation Act
ternational Bank for

for and development
a may be required in
iciencies or potential
tates of America; and

c) Effective retirement of the national debt, especially debt held by the Bank of France or other banking institutions.

7. Any unencumbered balance, other than unexpended amounts allocated under paragraph 4 of this Article, remaining in the Special Account on June 30, 1952, shall be disposed of within France for such purposes as may hereafter be agreed between the Governments of the United States of America and France, it being understood that the agreement of the United States of America shall be subject to approval by Act or joint resolution of the Congress of the United States of America.

Article V

(Access to Materials)

1. The Government of France will facilitate the transfer to the United States of America, for stock piling or other purposes, of materials originating in France which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources, upon such reasonable terms of sale, exchange, barter or otherwise, and in such quantities, and for such period of time, as may be agreed to between the Governments of the United States of America and France, after due regard for the reasonable requirements of France for domestic use and commercial export of such materials. The Government of France will take such specific measures as may be necessary to carry out the provisions of this paragraph, including the promotion of the increased production of such materials within France, and the removal of any hindrances to the transfer of such materials to the United States of America. The Government of France will, when so requested by the Government of the United States of America, enter into negotiations for detailed arrangements necessary to carry out the provisions of this paragraph.

2. Recognizing the principle of equity in respect to the drain upon the natural resources of the United States of America, and of the participating countries, the Government of France will, when so requested by the Government of the United States of America, negotiate where applicable (a) a future schedule of minimum availabilities to the United States of America for future purchase and delivery of a fair share of materials originating in France which are required by the United States of America as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from France, (b) arrangements providing suitable protection for the right of access for any citizen of the United States of America or any corporation, partnership, or other association created under the laws of the United States of America or of any

state or territory thereof and substantially beneficially owned by citizens of the United States of America, in the development of such materials on terms of treatment equivalent to those afforded to the nationals of France, and, (c) an agreed schedule of increased production of such materials where practicable in France and for delivery of an agreed percentage of such increased production to be transferred to the United States of America on a long-term basis in consideration of assistance furnished by the United States of America under this Agreement.

3. The Government of France, when so requested by the Government of the United States of America, will cooperate, wherever appropriate, to further the objectives of paragraphs 1 and 2 of this Article in respect of materials originating outside of France.

Article VI

(Travel Arrangements and Relief Supplies)

1. The Government of France will cooperate with the Government of the United States of America in facilitating and encouraging the promotion and development of travel by citizens of the United States of America to and within participating countries.

2. The Government of France will, when so desired by the Government of the United States of America, enter into negotiations for agreements (including the provision of duty-free treatment under appropriate safeguards) to facilitate the entry into France of supplies of relief goods donated to or purchased by United States voluntary non-profit relief agencies and of relief packages originating in the United States of America and consigned to individuals residing in France.

Article VII

(Consultation and Transmittal of Information)

1. The two Governments will, upon the request of either of them, consult regarding any matter relating to the application of this Agreement or to operations or arrangements carried out pursuant to this Agreement.

2. The Government of France will communicate to the Government of the United States of America in a form and at intervals to be indicated by the latter after consultation with the Government of France:

a) Detailed information of projects, programs and measures proposed or adopted by the Government of France to carry out the provisions of this Agreement and the General Obligations of the Convention for European Economic Cooperation;

y beneficially owned by the development of such to afforded to the dule of increased produc- rance and for delivery of luction to be transferred rm basis in consideration es of America under this

requested by the Govern- will cooperate, wherever ragraphs 1 and 2 of this tside of France.

ief Supplies)

ate with the Government ing and encouraging the zens of the United States tries.

so desired by the Gov- nter into negotiations for ty-free treatment under ry into France of supplies United States voluntary kages originating in the ivid esiding in France.

f Information)

request of either of them, the application of this nts carried out pursuant

micate to the Government n and at intervals to be with the Government of

, programs and measures of France to carry out the general Obligations of the peration;

b) Full statements of operations under this Agreement, including a statement of the use of funds, commodities and services received thereunder, such statements to be made in each calendar quarter;

c) Information regarding its economy and any other relevant information, necessary to supplement that obtained by the Government of the United States of America from the Organization for European Economic Cooperation which the Government of the United States of America may need to determine the nature and scope of operations under the Economic Cooperation Act of 1948, and to evaluate the effectiveness of assistance furnished or contemplated under this Agreement and generally the progress of the joint recovery program.

3. The Government of France will assist the Government of the United States of America to obtain information relating to the materials originating in France referred to in Article V which is necessary to the formulation and execution of the arrangements provided for in that Article.

Article VIII

(Publicity)

1. The Governments of the United States of America and France recognize that it is in their mutual interest that full publicity be given to the objectives and progress of the joint program for European recovery and of the actions taken in furtherance of that program. It is recognized that wide dissemination of information on the progress of the program is desirable in order to develop the sense of common effort and mutual aid which are essential to the accomplishment of the objectives of the program.

2. The Government of the United States of America will encourage the dissemination of such information and will make it available to the media of public information.

3. The Government of France will encourage the dissemination of such information both directly and in cooperation with the Organization for European Economic Cooperation. It will make such information available to the media of public information and take all practicable steps to ensure that appropriate facilities are provided for such dissemination. It will further provide other participating countries and the Organization for European Economic Cooperation with full information on the progress of the program for economic recovery.

4. The Government of France will make public in France in each calendar quarter, full statements of operations under this Agreement,

including information as to the use of funds, commodities and services received.

Article IX

(Missions)

1. The Government of France agrees to receive a Special Mission for Economic Cooperation which will discharge the responsibilities of the Government of the United States of America in France under this Agreement.

2. The Government of France will, upon appropriate notification from the Ambassador of the United States of America in France, consider the Special Mission and its personnel, and the United States Special Representative in Europe, as part of the Embassy of the United States of America in France for the purpose of enjoying the privileges and immunities accorded to that Embassy and its personnel of comparable rank. The Government of France will further accord appropriate courtesies to the members and staff of the Joint Committee on Foreign Economic Cooperation of the Congress of the United States of America and grant them the facilities and assistance necessary to the effective performance of their responsibilities.

3. The Government of France, directly and through its representatives on the Organization for European Economic Cooperation will extend full cooperation to the Special Mission, to the United States Special Representative in Europe and his staff, and to the members and staff of the Joint Committee. Such cooperation shall include the provision of all information and facilities necessary to the observation and review of the carrying out of this Agreement, including the use of assistance furnished under it.

Article X

(Settlement of Claims of Nationals)

1. The Governments of the United States of America and France agree to submit to the decision of the International Court of Justice any claim espoused by either Government on behalf of one of its nationals against the other Government for compensation for damage arising as a consequence of governmental measures (other than measures concerning enemy property or interests) taken after April 3, 1948, by the other Government and affecting property or interests of such national, including contracts with or concessions granted by duly authorized authorities of such other Government. It is understood that the undertaking of each Government in respect to claims espoused by the other Government pursuant to this paragraph is made in the case of each Government under the authority of and is limited by the terms and conditions of such effective recognition as

odities and services

e a Special Mission
the responsibilities
ica in France under

ropriate notification
America in France,
d the United States
abassy of the United
oying the privileges
s personnel of com-
rther accord appro-
Joint Committee on
the United States of
nce necessary to the

ough its representa-
ic Cooperation will
o the United States
and to the members
ion shall include the
y to the observation
inc g the use of

als)

America and France
nal Court of Justice
behalf of one of its
ensation for damage
es (other than meas-
taken after April 3,
perty or interests of
cessions granted by
nment. It is under-
in respect to claims
to this paragraph is
e authority of and is
ective recognition as

it has heretofore given to the compulsory jurisdiction of the International Court of Justice under Article 36 of the Statute of the Court.[¹] The provisions of this paragraph shall be in all respects without prejudice to other rights of access, if any, of either Government to the International Court of Justice or to the espousal and presentation of claims based upon alleged violations by either Government of rights and duties arising under treaties, agreements or principles of international law.

2. The Governments of the United States of America and of France further agree that such claims may be referred, in lieu of the Court, to any arbitral tribunal mutually agreed upon.

3. It is further understood that neither Government will espouse a claim pursuant to this Article until its national has exhausted the remedies available to him in the administrative and judicial tribunals of the country in which the claim arose.

Article XI

(Definitions)

As used in this Agreement:

A. France means the metropolitan territory of the French Republic, together with dependent areas under its administration and areas for which it has assumed international responsibility, including:

Tunisia
French Zone of Morocco
French West Africa
(comprising: Senegal, Mauritania, Guinea, Ivory Coast, Dahomey, Sudan, Niger, Upper Volta)
French Equatorial Africa
(comprising: Gabun, Middle Congo, Ubangi-Shari, Chad)
Togoland and Cameroons (mandate)
French Somaliland
Madagascar
Reunion
Comoro
French Settlements in India
French Indo-China
New Caledonia
Tuamotu Archipelago, including Society Islands
Austral Islands
Marquesas Archipelago
St. Pierre and Miquelon
Martinique
Guadeloupe
French Guiana
The Territory of the Saar

¹ Treaties and Other International Acts Series 1598.

B. The term "participating country" means:

1) Any country which signed the report of the Committee of European Economic Cooperation at Paris on September 22, 1947, and territories for which it has international responsibility and to which the Economic Cooperation Agreement concluded between that country and the Government of the United States of America has been applied, and

2) Any other country (including any of the zones of occupation of Germany, any areas under international administration or control, and the Free Territory of Trieste or either of its zones) wholly or partly in Europe, together with dependent areas under its administration; for so long as such country is a party to the Convention for European Economic Cooperation and adheres to a joint program for European recovery designed to accomplish the purposes of this Agreement.

Article XII

(Entry into Force, Amendment, Duration)

1. This Agreement shall become effective on the day on which notice of its ratification by the Government of France is given to the Government of the United States of America.^[1] Subject to the provisions of paragraphs 2 and 3 of this Article, it shall remain in force until June 30, 1953, and, unless at least six months before June 30, 1953, either Government shall have given notice in writing to the other of intention to terminate the Agreement on that date, it shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

2. If during the life of this Agreement, either Government should consider there has been a fundamental change in the basic assumption underlying this Agreement, it shall so notify the other Government in writing and the two Governments will thereupon consult with a view to agreeing upon the amendment, modification or termination of this Agreement. If, after three months from such notification the two Governments have not agreed upon the action to be taken in the circumstances, either Government may give notice in writing to the other of intention to terminate this Agreement. Then, subject to the provisions of paragraph 3 of this Article, this Agreement shall terminate either:

a) Six months after the date of such notice of intention to terminate, or

¹ Entered into force July 10, 1948, the date the instrument of ratification was signed by the President of the French Republic and delivered to the American Embassy at Paris.

of Committee of
September 22, 1947,
responsibility and to
t concluded between
ted States of America

the zones of occupa-
nal administration or
r either of its zones)
pendent areas under
try is a party to the
tion and adheres to
ed to accomplish the

uration)

n the day on which
France is given to the
a.[1] Subject to the
t shall remain in force
nths before June 30,
ice in writing to the
on that date, it shall
six nths from the

Government should
the basic assumption
other Government in
consult with a view
or termination of this
notification the two
to be taken in the
lice in writing to the
Then, subject to the
greement shall termi-

otice of intention to

ment of ratification was
delivered to the American

b) After such shorter period as may be agreed to be sufficient to ensure that the obligations of the Government of France are performed in respect of any assistance which may continue to be furnished by the Government of the United States of America after the date of such notice; provided, however, that Article V and paragraph 3 of Article VII shall remain in effect until two years after the date of such notice of intention to terminate, but not later than June 30, 1953.

3. Subsidiary agreements and arrangements negotiated pursuant to this Agreement may remain in force beyond the date of termination of this Agreement and the period of effectiveness of such subsidiary agreements and arrangements shall be governed by their own terms. Article IV shall remain in effect until all the sums in the currency of France required to be deposited in accordance with its own terms have been disposed of as provided in that Article. Paragraph 2 of Article III shall remain in effect for so long as the guaranty payments referred to in that article may be made by the Government of the United States of America.

4. This Agreement may be amended at any time by agreement between the two Governments.

5. The Annex to this Agreement forms an integral part thereof.

6. This Agreement shall be registered with the Secretary-General of the United Nations.

In witness whereof the respective representatives, duly authorized for the purpose, have signed the present Agreement.

Done at Paris, in duplicate, in the English and French languages, both texts authentic, this 28th day of June 1948.

JEFFERSON CAFFERY

G BIDAULT

[SEAL]

[SEAL]

Annex (Interpretive Notes)

1. It is understood that the requirements of paragraph 1 (a) of Article II, relating to the adoption of measures for the efficient use of resources, would include, with respect to commodities furnished under the Agreement, effective measures for safeguarding such commodities and for preventing their diversion to illegal or irregular markets or channels of trade.

2. It is understood that the obligation under paragraph 1 (c) of Article II to balance the budget as soon as practicable would not preclude deficits over a short period but would mean a budgetary policy involving the balancing of the budget in the long run.

3. It is understood that the business practices and business arrangements referred to in paragraph 3 of Article II mean:

- a) Fixing prices, terms or conditions to be observed in dealing with others in the purchase, sale or lease of any product;
- b) Excluding enterprises from, or allocating or dividing, any territorial market or fields of business activity, or allocating customers, or fixing sales quotas or purchase quotas;
- c) Discriminating against particular enterprises;
- d) Limiting production or fixing production quotas;
- e) Preventing by agreement the development or application of technology or invention whether patented or unpatented;
- f) Extending the use of rights under patents, trademarks or copyrights granted by either country to matters which, according to its laws and regulations, are not within the scope of such grants, or to products or conditions of production, use or sale which are likewise not the subjects of such grants; and
- g) Such other practices as the two Governments may agree to include.

4. It is understood that the Government of France is obligated to take action in particular instances in accordance with paragraph 3 of Article II only after appropriate investigation or examination.

5. It is understood that the phrase in Article V, "After due regard for the reasonable requirements of France for domestic use" would include the maintenance of reasonable stocks of the materials concerned and that the phrase "commercial export" might include barter transactions. It is also understood that arrangements negotiated under Article V might appropriately include provision for consultation, in accordance with the principles of Article 32 of the Havana Charter for an International Trade Organization, in the event that stock piles are liquidated.

6. It is understood that the Government of France will not be requested, under paragraph 2 (a) of Article VII, to furnish detailed

info
tech
com
7
Am
Art
pra
wou
tior
gov
8
pur
by

of paragraph 1 (a) of
 the efficient use
 commodities furnished
 safeguarding such com-
 to illegal or irregular

under paragraph 1 (c) of
 practicable would not
 could mean a budgetary
 in the long run.
 and business arrange-
 mean:

to be observed in dealing
 of any product;
 locating or dividing, any
 activity, or allocating cus-
 quotas;
 enterprises;
 action quotas;
 development or application of
 or unpatented;
 patents, trademarks or
 matters which, according
 the scope of such grants,
 use or sale which are
 identified
 various States may agree to

of France is obligated to
 in accordance with paragraph 3 of
 the examination.
 Article V, "After due regard
 for domestic use" would
 the materials con-
 tract" might include barter
 arrangements negotiated
 provision for consulta-
 Article 32 of the Havana
 Convention, in the event that

of France will not be
 Article VII, to furnish detailed

information about minor projects or confidential commercial or
 technical information the disclosure of which would injure legitimate
 commercial interests.

7. It is understood that the Government of the United States of
 America in making the notifications referred to in paragraph 2 of
 Article IX would bear in mind the desirability of restricting, so far as
 practicable, the number of officials for whom full diplomatic privileges
 would be requested. It is also understood that the detailed applica-
 tion of Article IX would, when necessary, be the subject of inter-
 governmental discussion.

8. It is understood that any agreements which might be arrived at
 pursuant to paragraph 2 of Article X would be subject to ratification
 by the Senate of the United States of America.

**ACCORD DE COOPERATION ECONOMIQUE
ENTRE LA FRANCE ET LES ETATS-UNIS**

PREAMBULE

LE GOUVERNEMENT DE LA REPUBLIQUE FRANCAISE et le GOUVERNEMENT DES ETATS-UNIS d'AMERIQUE,

RECONNAISSANT que le rétablissement ou le maintien, dans les pays d'Europe des principes de liberté individuelle, des institutions libres et de l'indépendance véritable dépendent, pour une large part, de la réalisation de conditions économiques saines, de rapports économiques stables entre les Nations, et du retour des pays d'Europe à une économie viable, indépendante de toute assistance extérieure exceptionnelle;

RECONNAISSANT qu'une économie européenne forte et prospère est essentielle pour atteindre les buts des Nations Unies;

CONSIDERANT que la réalisation de ces conditions appelle un plan de relèvement de l'Europe d'entr'aide et de coopération mutuelle, accessible à toutes les Nations qui y coopéreront, fondé sur un effort énergique de production, l'expansion du commerce international, l'établissement ou le maintien de la stabilité financière intérieure et le développement de la coopération économique, y compris toutes les mesures praticables pour établir ou maintenir des taux de change appropriés et pour réduire les obstacles aux échanges;

CONSIDERANT que pour la mise en application de ces principes, le Gouvernement de la République Française s'est associé aux autres pays animés du même esprit par une Convention de Coopération Economique Européenne signée à Paris le 16 avril 1948 et aux termes de laquelle les signataires de cette Convention sont convenus de considérer comme la tâche immédiate qu'il leur incombe d'élaborer et d'exécuter un programme commun de relèvement et que le Gouvernement de la République Française est membre de l'Organisation Européenne de Coopération Economique créée conformément à ladite Convention;

CONSIDERANT également que, mettant en oeuvre ces principes, le Gouvernement des Etats-Unis d'Amérique a promulgué la Loi de Coopération Economique de 1948, qui prévoit l'aide des Etats-Unis aux pays participant à un programme commun de relèvement européen afin de permettre à ces pays de devenir, par leurs efforts individuels et concertés, indépendants de toute aide économique extérieure de caractère exceptionnel;

PRENANT NOTE du fait que le Gouvernement de la République Française a déjà déclaré qu'il adhérerait aux fins et aux principes de la Loi de Coopération Economique de 1948;

DESIREUX de convenir du régime de l'aide fournie par les Etats-Unis aux termes de la Loi de Coopération Economique de 1948 et de la réception de cette aide en France, ainsi que de déterminer les mesures que les deux Gouvernements prendront soit individuellement, soit de concert pour assurer le relèvement de la France, comme partie intégrante du programme commun de relèvement européen,

Sont convenus de ce qui suit:

ARTICLE I.

(Aide et Coopération)

1. Le Gouvernement des Etats-Unis affirme son intention d'aider la France en mettant à la disposition du Gouvernement de la République Française ou de toute personne, service ou organisation qui pourrait être désigné par ce Gouvernement telle aide qui pourrait être demandée par ce dernier et approuvée par le Gouvernement des Etats-Unis. Le Gouvernement des Etats-Unis accordera cette aide conformément aux termes, et sous réserve de toutes les dispositions, conditions et clauses de suspension de la Loi de Coopération Economique Européenne de 1948, ainsi que des lois qui l'amendent ou la complètent et de celles qui portent ouverture de crédits, et ne mettra à la disposition du Gouvernement de la République Française que les produits, services et autres formes d'aide autorisés par ces lois.

2. Le Gouvernement de la République Française agissant individuellement et dans le cadre de l'Organisation Européenne de Coopération Economique conformément à la Convention de Coopération Economique Européenne signés à Paris le 16 avril 1948, fera, en commun avec les autres pays participants, des efforts continus pour établir rapidement en Europe par un programme commun de relèvement, les conditions économiques indispensables à une paix et à une prospérité durables et pour permettre aux pays d'Europe participant à ce programme commun de relèvement de devenir indépendants de toute assistance économique extérieure exceptionnelle au terme de la période d'exécution du présent Accord. Le Gouvernement de la République Française réaffirme son intention de prendre toutes mesures propres à exécuter les termes des Obligations Générales de la Convention de Coopération Economique Européenne, de continuer à participer activement aux travaux de l'Organisation Européenne de Coopération Economique et de continuer à adhérer aux buts et aux principes de la loi de Coopération Economique de 1948.

3. En ce qui concerne l'aide fournie par le Gouvernement des Etats-Unis à la France sous la forme d'achats dans des régions situées

ECONOMIQUE
ETATS-UNIS

FRANCAISE et le GOUVERNE-

maintien, dans les pays
des institutions libres et
une large part, de la réalisa-
tion d'économies stables
européennes à une économie
européenne exceptionnelle;
une France forte et prospère est
nécessaire;

On appelle un plan de
coopération mutuelle, accessible
à tous, un effort énergique de
rétablissement ou
de développement de la
coopération pratiquables
pour réduire

En vertu de ces principes, le
Gouvernement des Etats-Unis
associé aux autres pays
de Coopération Econo-
mique de 1948 et aux termes de la
Convention de Coopération Economique
Européenne de 1948, sont convenus de considérer
d'élaborer et d'exécuter
le Gouvernement de la
Convention Européenne de
ladite Convention;
En vertu de ces principes, le
Gouvernement des Etats-Unis
a promulgué la Loi de
Coopération Economique de 1948
pour le relèvement européen
des efforts individuels et
collectifs et de coopération
économique extérieure de carac-

hors des Etats-Unis, de leurs territoires et de leurs possessions, le Gouvernement de la République Française coopérera avec le Gouvernement des Etats-Unis pour que les achats soient effectués à des prix et à des conditions raisonnables et pour faire en sorte que les dollars mis à la disposition du pays où ont lieu des opérations d'achat relatives à l'aide soient utilisés d'une manière compatible avec tous arrangements conclus par le Gouvernement des Etats-Unis d'Amérique avec ce pays.

ARTICLE II.

(Engagements généraux)

1. Afin de parvenir à son relèvement maximum par l'utilisation de l'aide qu'il recevra du Gouvernement des Etats-Unis, le Gouvernement de la République Française fera tous ses efforts pour:

a) adopter ou maintenir en vigueur les mesures nécessaires pour assurer de façon rationnelle et efficace l'utilisation de toutes les ressources à sa disposition, y compris:

(i) telles mesures qui pourront être nécessaires pour faire en sorte que les produits et services obtenus par l'aide accordée conformément au présent Accord soient utilisés à des fins conformes audit Accord et dans toute la mesure du possible aux buts généraux indiqués dans le programme présenté par le Gouvernement de la République Française au titre des besoins d'aide à satisfaire par le Gouvernement des Etats-Unis d'Amérique;

(ii) l'observation et la vérification de l'emploi de ces ressources au moyen d'un système de contrôle efficace approuvé par l'Organisation Européenne de Coopération Economique;

(iii) pour autant que cela sera possible, des mesures destinées à situer, identifier et affecter à des usages appropriés à l'exécution du programme commun de relèvement européen, les avoirs et revenus provenant de ces avoirs qui appartiennent à des citoyens français et qui se trouvent aux Etats Unis dans leurs territoires ou possessions. Il ne découle de cette clause aucune obligation pour le Gouvernement des Etats-Unis de prêter son concours à l'exécution de ces mesures, ni pour le Gouvernement de la République Française de procéder à la liquidation de ces avoirs.

b) favoriser le développement de la production industrielle et agricole sur une base économiquement rationnelle; réaliser tels objectifs de production qui pourraient être fixés dans le cadre de l'Organisation Européenne de Coopération Economique; et communiquer au Gouvernement des Etats-Unis, si celui-ci le demande, des propositions détaillées correspondant à des projets déterminés que le Gouvernement de la République Française envisage d'entreprendre

de leurs possessions, le
coopérer avec le Gou-
vernement des Etats-Unis effectués à des
fin de faire en sorte que les
résultats des opérations d'achat
soient compatibles avec tous
les Etats-Unis d'Amérique

c) num par l'utilisation de
des Etats-Unis, le Gouverne-
ment s'effortera pour:

mesures nécessaires pour
l'utilisation de toutes les

nécessaires pour faire en
vue de par l'aide accordée con-
sacrées à des fins conformes
possibles aux buts généraux
du Gouvernement de la
France d'aide à satisfaire par
ce moyen;

l'emploi de ces ressources
sera approuvé par l'Orga-
nisme

des mesures destinées à
être employées à l'exécution du
plan, les avoirs et revenus
des citoyens français
sur les territoires ou posses-
sions aucune obligation pour le
Gouvernement de la République Fran-
çaise.

de l'industrie et agricole
pour réaliser tels objectifs de
dans le cadre de l'Organisation
économique; et communiquer au
Gouvernement la demande, des propo-
sitions déterminées que le
Gouvernement envisage d'entreprendre

en ayant recours, pour une part importante, à l'aide fournie aux
termes du présent Accord, notamment, dans toute la mesure du
possible, en ce qui concerne les projets relatifs à l'augmentation de
la production de charbon, d'acier, de moyens de transport et de
produits alimentaires.

c) stabiliser sa monnaie; instaurer ou maintenir un taux de change
approprié, équilibrer dès que cela sera possible son budget d'Etat,
créer ou maintenir la stabilité financière intérieure et, d'une manière
générale, rétablir, ou maintenir la confiance dans son système
monétaire, et

d) coopérer avec les pays participants pour faciliter et stimuler des
échanges croissants de marchandises et de services entre les pays
participants ainsi qu'avec d'autres pays, et pour réduire les obstacles
publics et privés qui entravent ces échanges tant entre eux qu'avec
le reste du monde.

2. Le Gouvernement de la République Française tenant compte des
objectifs de l'Article VIII de la Convention de Coopération Eco-
nomique Européenne visant à l'emploi de la main d'oeuvre disponible
dans les différents pays participants, s'engage à réserver un accueil
bienveillant aux propositions faites de concert avec l'Organisation
internationale pour les Réfugiés, en vue d'utiliser au maximum la
main d'oeuvre éventuellement disponible dans un des pays participants
conformément aux fins du présent Accord.

3. Le Gouvernement de la République Française prendra les mesures
qu'il estime appropriées et coopérera avec les autres pays participants
afin d'empêcher les pratiques ou arrangements commerciaux - qu'ils
soient le fait d'entreprises commerciales privées ou publiques - qui,
dans le commerce international, entravent la concurrence, restreignent
l'accès aux marchés ou favorisent le contrôle à caractère de monopole
dans tous les cas où ces pratiques et arrangements produisent des
effets nuisibles à l'exécution du programme commun de reconstruction
européenne.

ARTICLE III.

(Garanties)

1. Le Gouvernement des Etats-Unis d'Amérique et le Gouverne-
ment de la République Française se consulteront, à la demande de
l'un ou de l'autre, sur les projets que des ressortissants des Etats-Unis
envisagent de réaliser en France et pour lesquels le Gouvernement des
Etats-Unis d'Amérique peut, aux termes de la section III (b) 3 de la
Loi de Coopération Economique de 1948, accorder des garanties de
transfert de devises.

2. Lorsque le Gouvernement des Etats-Unis d'Amérique fera à de
telles personnes un paiement en dollars des Etats-Unis correspondant

à une telle garantie, le Gouvernement de la République Française acceptera que les francs ou les crédits en franc portés au compte du Gouvernement des Etats-Unis d'Amérique ou transférés à ce Gouvernement, conformément à cette clause, soient reconnus comme étant la propriété du Gouvernement des Etats-Unis d'Amérique.

ARTICLE IV.

(Monnaie nationale)

1. Les dispositions du présent Article ne seront applicables qu'en ce qui concerne l'aide que pourra fournir le Gouvernement des Etats-Unis à titre de don.

2. Le Gouvernement de la République Française convient d'ouvrir un Compte Spécial (désigné ci-après sous le nom de Compte Spécial) à la Banque de France au nom du Crédit National et d'effectuer à ce compte les dépôts suivants en francs:

(a) le solde, net de toute charge au moment de la clôture des transactions le jour de la signature du présent Accord, du Compte Spécial ouvert à la Banque de France au nom du Crédit National conformément à l'accord intervenu entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française signé le 2 janvier 1948 ainsi que toute autre somme dont le dépôt au Compte Spécial serait éventuellement prévu par ces accords. Il est entendu que la sous-section (e) de la Section 114 de la Loi de Coopération Economique de 1948 constitue l'approbation et la décision du Gouvernement des Etats-Unis d'Amérique en ce qui concerne l'emploi du solde mentionné dans le dit Accord;

(b) les soldes, nets de toute charge, des dépôts effectués par le Gouvernement de la République Française a la suite de l'échange de notes entre les deux Gouvernements en date du 22 avril 1948.

(c) les sommes correspondant aux dépenses exprimées en dollars encourues par le Gouvernement des Etats-Unis d'Amérique pour les produits, services et informations techniques (notamment tous frais de transformation, de magasinage, de transports, de réparation ou résultant d'autres services y afférant) fournis à la France à titre de don, sous l'une quelconque des formes prévues par la Loi de Coopération Economique de 1948, sauf, cependant, le montant du dépôt effectué comme suite à l'échange de notes visé à l'alinéa

(b). Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de la République Française le montant du prix exprimé en dollars des produits, services et renseignements techniques ainsi fournis; le Gouvernement de la République Française déposera alors au Compte Spécial une somme correspondante en francs calculée à un taux de change qui sera celui dont il aura été

la République Française
 au compte du
 transférés à ce Gouver-
 nement reconnu comme étant
 des Etats d'Amérique.

seront applicables qu'en
 le Gouvernement des

Française convient d'ouvrir
 Comptes de Compte Spécial)
 National et d'effectuer à

de la clôture des transac-
 tions, du Compte Spécial
 National conformément
 à l'Accord de la République Française signé le
 22 avril 1948. Il est entendu
 que la Loi de Coopération
 Economique et la décision du
 Gouvernement concernent l'emploi

dépôts effectués par le
 Gouvernement de la République Française
 en vertu de la Loi du 22 avril 1948.

les dépenses exprimées en dollars
 des Etats-Unis d'Amérique pour les
 dépenses (notamment tous frais
 de transport, de réparation ou
 de maintenance) effectuées en
 France à titre de dépenses
 prévues par la Loi de Coopération
 Economique et la décision du
 Gouvernement de la République Française
 le montant des dépenses
 des services et renseignements
 des Etats-Unis d'Amérique
 correspondante en France
 sera celui dont il aura été

convenu à cette époque avec le Fonds Monétaire International, à la condition que ce taux soit le taux unique applicable à l'achat de dollars destinés à régler les importations dans le territoire métropolitain français. Si, à l'époque de la notification, il existe pour le franc une parité convenue avec le Fonds Monétaire International et un ou plusieurs autres cours légalement appliqués en France pour l'achat de dollars, ou si à l'époque de la notification il n'existe pas pour le franc de parité convenue avec le Fonds Monétaire, le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviendront du ou des cours à appliquer pour cet objet particulier, chacun de ces cours devant être un cours existant ou un cours moyen normal applicable en France à l'époque de la notification en conformité avec les lois et règlements français. Le Gouvernement de la République Française pourra à tout moment, déposer au Compte Spécial des avances qui seront inscrites à son crédit et sur lesquelles seront imputées des sommes correspondant aux notifications ultérieures effectuées conformément aux dispositions du présent paragraphe.

3. Le Gouvernement des Etats-Unis d'Amérique notifiera périodiquement au Gouvernement de la République Française les sommes en francs qui lui seront nécessaires pour couvrir les dépenses administratives qu'entraînent les opérations effectuées conformément à la loi et le Gouvernement de la République Française mettra les sommes nécessaires à la disposition du Gouvernement des Etats-Unis d'Amérique en les imputant sur l'un quelconque des soldes du Compte Spécial de la manière demandée par le Gouvernement des Etats-Unis d'Amérique dans sa notification.

4. Cinq pour cent de tout dépôt fait en application de cet article en raison de l'aide apportée conformément à la Loi de 1949 portant ouverture de crédits pour l'aide économique à l'étranger seront affectés à l'usage du Gouvernement des Etats-Unis d'Amérique pour ses dépenses en France et les sommes mises à la disposition de ce Gouvernement conformément au paragraphe 3 de cet Article seront imputées sur les montants alloués conformément au présent paragraphe.

5. Le Gouvernement de la République Française s'engage, en outre, à rendre disponibles, en les imputant sur l'un quelconque des soldes du Compte Spécial, les sommes en francs nécessaires pour couvrir les frais de transport (port, magasinage, manutention et frais analogues) des approvisionnements et colis de secours prévus à l'Article VI du présent Accord, depuis le lieu d'entrée en territoire métropolitain français jusqu'au point de destination indiqué par le destinataire en territoire métropolitain français.

6. Le Gouvernement de la République Française pourra effectuer des prélèvements sur le solde restant inscrit au Compte Spécial aux fins dont ce Gouvernement pourra être convenu avec le Gouverne-

ment des Etats-Unis d'Amérique. En examinant les propositions de prélèvement sur le Compte Spécial présentées par le Gouvernement de la République Française, le Gouvernement des Etats-Unis d'Amérique tiendra compte de la nécessité de maintenir la stabilité monétaire et financière intérieure et de stimuler l'activité de la production et des échanges internationaux, la recherche et le développement en France de nouvelles sources de richesse, en particulier:

(a) les dépenses afférentes aux plans ou programmes, notamment ceux qui font partie d'un programme d'ensemble destiné à accroître la capacité de production de la France et des autres pays participants, et les plans et programmes comportant des dépenses à l'étranger qui sont couvertes par l'aide fournie par le Gouvernement des Etats-Unis d'Amérique dans le cadre de la Loi de Coopération Economique de 1948 ou d'autres dispositions, ou par décret de la Banque Internationale pour la Reconstruction et le Développement.

(b) les dépenses afférentes à la recherche et au développement d'une production accrue pour les matières premières dont les Etats-Unis pourraient avoir besoin en raison de l'insuffisance effective ou éventuelle de leurs ressources, et (c) la résorption effective de la dette publique et spécialement de la dette détenue soit par la Banque de France, soit par les autres établissements bancaires.

7. Tous les soldes nets de toutes charges restant inscrits au Compte Spécial au 30 Juin 1952 autres que les sommes non dépensées dont l'affectation aura été déterminée conformément au paragraphe 4 du présent Article, seront utilisés en France aux fins dont le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique seront convenus ultérieurement, étant entendu que l'agrément des Etats-Unis devra être approuvé par une loi ou une résolution commune du Congrès des Etats-Unis d'Amérique.

ARTICLE V

Accès à certains produits.

I. Le Gouvernement de la République Française facilitera le transfert aux Etats-Unis d'Amérique, en vue de la constitution de stocks ou à d'autres fins, de produits originaires de France, dont les Etats-Unis d'Amérique ont besoin par suite de l'insuffisance effective ou éventuelle de leurs propres ressources, à des conditions raisonnables de vente, d'échange, de troc ou autres, pendant une période et en des quantités à déterminer d'un commun accord entre le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique, compte tenu des besoins raisonnables de la France en produits nécessaires à sa consommation intérieure et à son com-

aminant les propositions de
 és Gouvernement de
 de États-Unis d'Amérique
 ir la stabilité monétaire et
 ité de la production et des
 e développement en France
 ulier:

u programmes, notamment
 nsemble destiné à accroître
 les autres pays participants,
 es dépenses à l'étranger qui
 ouvernement des États-Unis
 oopération Economique de
 ret de la Banque Interna-
 loppement.

erche et au développement
 es premières dont les États-
 le l'insuffisance effective ou
 sorption effective de la dette
 enue soit par la Banque de
 bancaires.

es restant inscrits au Compte
 sommes non dépensées dont
 nément au paragraphe 4 du
 aux fins dont le Gouverne-
 ouvernement des États-Unis
 ement étant entendu que
 ppi par une loi ou une
 ts-Unis d'Amérique.

roduits.

e Française facilitera le trans-
 de la constitution de stocks
 es de France, dont les États-
 de l'insuffisance effective ou
 à des conditions raisonnables
 pendant une période et en
 un accord entre le Gouverne-
 le Gouvernement des États-
 ins raisonnables de la France
 tion intérieure et à son com-

merce d'exportation. Le Gouvernement de la République Française
 prendra toutes mesures particulières qui pourraient être nécessaires
 pour l'application des dispositions du présent paragraphe, y compris
 le développement de la production en France des dits produits, et la
 suppression de tous obstacles qui s'opposeraient à leur transfert aux
 États-Unis. Le Gouvernement de la République Française, si le
 Gouvernement des États-Unis d'Amérique le demande, négociera des
 accords détaillés nécessaires à l'application des dispositions du
 présent paragraphe

2. Reconnaisant que le principe d'équité doit s'appliquer aux
 prélèvements opérés sur des ressources naturelles des États-Unis et
 des pays participants, le Gouvernement de la République Française,
 à la demande du Gouvernement des États-Unis d'Amérique, négociera
 avec ce dernier chaque fois que cela sera possible:

a) une liste des quantités minimum à mettre à la disposition des
 États-Unis pour achat et livraison ultérieure d'une part équitable des
 produits originaires de France dont les États-Unis ont besoin par suite
 de l'insuffisance effective ou éventuelle de leurs propres ressources
 aux prix du marché mondial de manière à protéger l'accès de l'industrie
 des États-Unis d'Amérique à une part équitable des produits provenant
 de France, cette part étant exprimée soit en pourcentage de la pro-
 duction soit en quantité absolue,

b) des arrangements assurant une protection suffisante à tout citoyen
 des États-Unis ou à toute compagnie, société ou association créée
 sous le régime des lois des États-Unis, de tout Etat en faisant partie
 ou de tout territoire en dépendant, et dont des parts importantes
 d'intérêt ont pour propriétaires réels des citoyens des États-Unis
 d'Amérique, pour l'accès à l'exploitation de ces ressources dans des
 conditions équivalentes à celles dont jouissent les ressortissants
 français,

c) un programme convenu d'un commun accord de l'accroissement
 de la production de ces produits dans le cas où cette augmentation
 serait possible en France, et pour la livraison aux États-Unis d'un
 pourcentage convenu de la production ainsi accrue, cette cession se
 faisant sur la base d'arrangements à long terme, en considération de
 l'aide fournie par les États-Unis aux termes du présent Accord.

3. Le Gouvernement de la République Française lorsque le
 Gouvernement des États-Unis d'Amérique en exprimera le désir
 coopérera avec ce Gouvernement dans les cas appropriés pour
 atteindre les buts mentionnés aux paragraphes 1 et 2 du présent
 article en ce qui concerne les ressources provenant d'autres territoires
 que celui de la France.

ARTICLE VI

(Dispositions relatives aux facilités de voyage et aux envois de secours)

1. Le Gouvernement de la République Française coopérera avec le Gouvernement des Etats-Unis d'Amérique pour faciliter et favoriser le développement des voyages des citoyens des Etats-Unis à destination des pays participants et à l'intérieur de ces pays.

2. Le Gouvernement de la République Française négociera, à la demande du Gouvernement des Etats-Unis d'Amérique, des accords tendant à faciliter l'entrée en France (notamment l'entrée en franchise, sous réserve de garanties appropriées) des envois de secours donnés aux ou achetés par les organisations américaines bénévoles de secours, ainsi que des colis de secours en provenance des Etats-Unis et adressés à des personnes résidant en France.

ARTICLE VII

(Consultation et transmission d'information)

1. Les deux Gouvernements se consulteront à la demande de l'un ou de l'autre sur toute question relative à l'exécution du présent Accord, ainsi qu'aux opérations effectuées ou aux dispositions prises en application de ce même Accord.

2. Le Gouvernement de la République Française communiquera au Gouvernement des Etats-Unis d'Amérique dans la forme et aux époques indiquées par ce dernier après consultation avec le Gouvernement de la République Française:

- a) des informations détaillées sur les projets, les programmes, les mesures envisagés ou adoptés par le Gouvernement de la République Française pour assurer l'exécution des dispositions du présent Accord et des Obligations Générales de la Convention de Coopération Economique Européenne.
- b) des exposés complets des opérations faites en vertu du présent Accord, y compris un exposé de l'usage des fonds, produits et services reçus en application dudit Accord, ledit exposé devant être fait chaque trimestre.
- c) des informations concernant son économie et toutes autres informations appropriées nécessaires pour compléter celles qui seront obtenues de l'Organisation Européenne de Coopération Economique et dont le Gouvernement des Etats-Unis d'Amérique pourrait avoir besoin pour déterminer la nature et la portée des opérations réalisées en vertu de la loi de Coopération économique de 1948 et pour évaluer l'efficacité de l'aide fournie ou envisagée en vertu du présent accord et, d'une manière générale, les progrès du programme commun de relèvement.

e e (envois de secours)
 française coopérera avec le
 pour faciliter et favoriser
 des Etats-Unis à destina-
 ces pays.

Française négociera, à la
 d'Amérique, des accords
 amment l'entrée en fran-
 es) des envois de secours
 américaines bénévoles de
 rovenance des Etats-Unis
 ice.

'information)

ont à la demande de l'un
 à l'exécution du présent
 ou aux dispositions prises

ançaise communiquera au
 e dans la forme et aux
 iltation avec le Gouverne-

ets, les programmes, les
 ive) nt de la Répub-
 es) itions du présent
 Convention de Coopéra-

es en vertu du présent Ac-
 fonds, produits et services
 exposé devant être fait

e et toutes autres informa-
 stées celles qui seront ob-
 Coopération Economique
 l'Amérique pourrait avoir
 ée des opérations réalisées
 omique de 1948 et pour
 isagée en vertu du présent
 grès du programme com-

3. Le Gouvernement de la République Française aidera le Gouvernement des Etats-Unis d'Amérique à se procurer les renseignements relatifs aux produits originaires de France dont il est question à l'Article V, et qui seront nécessaires à l'élaboration et à l'exécution des arrangements prévus audit article.

Article VIII.

(Publicité)

1. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique reconnaissent qu'il est de leur intérêt commun de donner une large publicité aux objectifs du programme commun de relèvement de l'Europe, aux progrès réalisés dans son exécution ainsi qu'à toutes les mesures prises en application de ce programme. Ils reconnaissent également qu'il est souhaitable d'assurer une large diffusion des informations relatives aux progrès réalisés dans l'exécution du programme de relèvement européen, afin de développer le sentiment de l'effort commun et l'esprit d'aide mutuelle essentiels à la réalisation des objectifs du programme.

2. Le Gouvernement des Etats-Unis d'Amérique encouragera la diffusion de ces informations et les mettra à la disposition des organes d'information du public.

3. Le Gouvernement de la République Française encouragera la diffusion de ces renseignements, tant directement que par l'entremise de l'Organisation Européenne de Coopération Economique. Il les mettra à la disposition des organes d'information du public et prendra toutes les mesures possibles pour en assurer la diffusion par les moyens appropriés. De plus, il fournira à tous les autres pays participants et à l'Organisation Européenne de Coopération Economique les renseignements les plus complets sur les progrès effectués dans la réalisation du programme de relèvement européen.

4. Le Gouvernement de la République Française publiera en France chaque trimestre, des comptes rendus complets sur les opérations entreprises conformément à cet Accord et notamment des renseignements sur l'emploi de tous les fonds, marchandises et services reçus.

ARTICLE IX.

(Missions)

1. Le Gouvernement de la République Française donne son agrément à l'installation d'une Mission Spéciale de Coopération Economique qui assurera l'exécution des obligations assumées par les Etats-Unis en France aux termes du présent accord.

2. Sur notification appropriée de l'Ambassadeur des Etats-Unis d'Amérique à Paris, le Gouvernement de la République Française

considérera la Mission Spéciale et son personnel ainsi que le Représentant Spécial des Etats-Unis en Europe comme faisant partie de l'Ambassade des Etats-Unis d'Amérique en France aux fins de bénéficiaire des privilèges et immunités accordés aux fonctionnaires de rang équivalent de cette Ambassade. Le Gouvernement de la République Française convient en outre d'observer à l'égard des membres et du personnel du Comité Mixte de Coopération Economique Etrangère du Congrès des Etats-Unis les règles de courtoisie appropriées et de leur accorder les facilités et l'assistance indispensables pour assumer efficacement leurs responsabilités.

3. Le Gouvernement de la République Française apportera directement et par l'intermédiaire de ses représentants au sein de l'Organisation Européenne de Coopération Economique, sa pleine coopération à la Mission Spéciale, au Représentant Spécial des Etats-Unis en Europe et à son personnel, et aux membres et au personnel du Comité mixte. Cette opération comportera la communication de tous renseignements et l'octroi de toutes facilités nécessaires à la surveillance et à l'observation de l'exécution du présent accord, notamment l'utilisation de l'aide fournie conformément à ses termes.

ARTICLE X.

Règlement des Réclamations des Ressortissants des deux Pays)

1. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviennent de porter à la Cour Internationale de Justice toute réclamation que l'un ou l'autre Gouvernement aura faite sienne et présentée pour le compte de l'un de ses ressortissants à l'encontre de l'autre Gouvernement, pour l'indemnisation de dommages résultant de mesures gouvernementales (à l'exception de mesures touchant les intérêts ou biens ennemis) prises après le 3 avril 1948 par ce Gouvernement et affectent les biens ou les intérêts dudit ressortissant, y compris les contrats ou concessions régulièrement conclus ou accordés par les organes dûment qualifiés dudit Gouvernement. Il est entendu que l'engagement de chaque Gouvernement en ce qui concerne les demandes présentées par l'autre Gouvernement en application de ce paragraphe est pris par chaque Gouvernement en conformité et dans la limite des termes et conditions de l'acceptation effective par ce Gouvernement de la juridiction obligatoire de la Cour Internationale de Justice en vertu de l'article 36 du Statut de la Cour. Les dispositions de ce paragraphe ne portent pas préjudice aux droits d'accès, s'il y a lieu, de l'un et l'autre Gouvernement à la Cour Internationale de Justice, ou à la présentation pour le compte d'un ressortissant d'une réclamation fondée sur la prétendue violation par l'un ou l'autre Gouvernement de droits et d'obligations découlant de traités, d'arrangements ou des principes du droit international.

ersonnel ainsi que le Représentant faisant partie de l'Administration aux fins de bénéficier aux fonctionnaires de rang équivalent de la République Française l'égard des membres et du Comité Economique Etrangère du Conseil d'Administration et de leur services indispensables pour assumer

la République Française apportera directement au sein de l'Organisation, sa pleine coopération et au personnel du Comité Economique Etrangère la communication de tous les renseignements nécessaires à la surveillance de l'exécution du présent accord, notamment en ce qui concerne les termes.

participants des deux Pays)

La République Française et le Gouvernement des Etats-Unis conviennent de porter à la Cour Suprême que l'un ou l'autre Gouvernement sera tenu de rendre compte de l'un de ses ressortissants, pour l'indemnité des pertes gouvernementales (à l'exception des biens ennemis) prises et affectent les biens ou les intérêts des ressortissants des deux Pays, des contrats ou concessions des ressortissants des deux Pays par les organes dûment qualifiés de l'un ou l'autre Gouvernement et l'engagement de chaque Gouvernement de répondre aux demandes présentées par les ressortissants des deux Pays dans le cadre de ce paragraphe est pris par la République Française et le Gouvernement des Etats-Unis dans la limite des termes et conditions du présent accord. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis conviennent de porter à la Cour Suprême que l'un ou l'autre Gouvernement sera tenu de rendre compte de l'un de ses ressortissants, pour l'indemnité des pertes gouvernementales (à l'exception des biens ennemis) prises et affectent les biens ou les intérêts des ressortissants des deux Pays, des contrats ou concessions des ressortissants des deux Pays par les organes dûment qualifiés de l'un ou l'autre Gouvernement et l'engagement de chaque Gouvernement de répondre aux demandes présentées par les ressortissants des deux Pays dans le cadre de ce paragraphe est pris par la République Française et le Gouvernement des Etats-Unis dans la limite des termes et conditions du présent accord.

2. Le Gouvernement de la République Française et le Gouvernement des Etats-Unis d'Amérique conviennent également de porter à la Cour Suprême que l'un ou l'autre Gouvernement sera tenu de rendre compte de l'un de ses ressortissants, pour l'indemnité des pertes gouvernementales (à l'exception des biens ennemis) prises et affectent les biens ou les intérêts des ressortissants des deux Pays, des contrats ou concessions des ressortissants des deux Pays par les organes dûment qualifiés de l'un ou l'autre Gouvernement et l'engagement de chaque Gouvernement de répondre aux demandes présentées par les ressortissants des deux Pays dans le cadre de ce paragraphe est pris par la République Française et le Gouvernement des Etats-Unis dans la limite des termes et conditions du présent accord.

3. Il est également entendu qu'aucun des deux Gouvernements ne présentera, aux termes du présent article, de réclamations d'un de ses ressortissants avant que celui-ci n'ait épuisé les voies de recours qui lui sont ouvertes devant les tribunaux administratifs et judiciaires du pays où la réclamation prend naissance.

ARTICLE XI.

(Définitions).

1. Aux termes du présent Accord:

a) la France signifiera le territoire métropolitain de la République Française avec les territoires placés sous son administration et ceux pour lesquels la République Française assume des responsabilités internationales, y compris:

Tunisie
 Maroc (zone française)
 Afrique Occidentale française (Sénégal, Mauritanie, Guinée, Côte d'Ivoire, Dahomey, Soudan, Niger, Haute-Volta)
 Afrique Equatoriale française (Gabon, Moyen-Congo, Oubangui, Chari, Tchad)
 Togo et Cameroun (Mandat)
 Côte française des Somalis
 Madagascar
 Réunion
 Les Comores
 Etablissements français de l'Inde
 Indochine française
 Nouvelle-Calédonie
 Archipel de Tuamotou et les Iles de la Société,
 Iles australes
 Archipel des Marquises
 Saint-Pierre et Miquelon
 La Martinique
 La Guadeloupe,
 La Guyane française
 Le territoire de la Sarre.

b) Est tenu pour "pays participants":

(i) tout pays qui a signé le rapport du Comité de Coopération Economique Européenne à Paris le 22 septembre 1947 et tout territoire dont ce pays assume la responsabilité sur le plan international et auquel l'Accord de Coopération Economique conclu entre ledit pays et les Etats-Unis s'applique.

(ii) tout autre pays (y compris toute zone d'occupation en Allemagne, tout territoire, sous administration ou contrôle international

et le Territoire libre de Trieste ou de l'une et l'autre zone, en faisant partie) situé en tout ou en partie en Europe avec les territoires dépendants soumis à sa juridiction, aussi longtemps que ce pays est signataire de la Convention de Coopération Economique Européenne et participe à un programme commun de relèvement européen ayant pour objectif les buts du présent Accord.

ARTICLE XII.

(Entrée en vigueur, amendements, durée).

1. Le présent Accord entrera en vigueur à la date de la notification de sa ratification par le Gouvernement de la République Française au Gouvernement des Etats-Unis d'Amérique. Sous réserve des dispositions des paragraphes 2 et 3 du présent article, l'Accord demeurera en vigueur jusqu'au 30 Juin 1953, et à moins que l'un ou l'autre Gouvernement n'ait notifié par écrit six mois au moins avant le 30 Juin 1953 son intention d'y mettre fin à cette date, jusqu'à l'expiration d'un délai de six mois à compter de la date à laquelle sera faite ladite notification.

2. Si pendant la durée de l'Accord l'un des Gouvernements considère qu'il y a eu un changement fondamental dans les circonstances se trouvant à l'origine de cet accord, il le notifiera par écrit à l'autre Gouvernement. Les deux Gouvernements se consulteront alors en vue de convenir de la modification, de la transformation ou de la terminaison de l'accord. Si, trois mois après ladite notification les deux Gouvernements n'ont pas convenu de l'action à prendre en raison des circonstances, l'un ou l'autre Gouvernement pourra notifier par écrit à l'autre son intention de mettre fin à l'Accord. Sous réserve des dispositions du paragraphe 3 du présent Article, l'Accord prendra dès lors fin:

a) six mois après la notification de l'intention d'y mettre fin ou

b) après telle période plus courte à convenir, suffisante néanmoins pour assurer que les obligations du Gouvernement de la République Française sont exécutées à l'égard de toute aide que le Gouvernement des Etats-Unis d'Amérique pourrait continuer à lui apporter après ladite notification; étant entendu toutefois que l'Article V et le paragraphe 3 de l'Article VII resteront en vigueur deux ans après la date de la notification de l'intention de mettre fin à l'Accord, mais en aucun cas après le 30 juin 1953.

3. Les accords et les arrangements complémentaires qui seront négociés en exécution du présent Accord pourront rester en vigueur au delà de l'expiration du présent Accord et la période d'application de ces accords et arrangements complémentaires sera déterminée par leurs propres termes. L'Article IV demeurera en vigueur jusqu'à ce

et l'autre zone, en faisant
 avec les territoires
 que ce pays est
 Economique Européenne
 relèvement européen ayant

ents, durée).

à la date de la notification
 la République Française
 rique. Sous réserve des
 présent article, l'Accord
 3, et à moins que l'un ou
 six mois au moins avant
 fin à cette date, jusqu'à
 ter de la date à laquelle

Gouvernements considère
 dans les circonstances se
 tifiera par écrit à l'autre
 se consulteront alors en
 transformation ou de la
 rès ladite notification les
 action à prendre en raison
 ment pourra notifier par
 à l' l. Sous réserve
 Art. l'Accord prendra

tion d'y mettre fin ou

nir, suffisante néanmoins
 nement de la République
 aide que le Gouvernement
 uer à lui apporter après
 ue l'Article V et le para-
 ir deux ans après la date
 fin à l'Accord, mais en

plémentaires qui seront
 urront rester en vigueur
 la période d'application
 ires sera déterminée par
 ra en vigueur jusqu'à ce

que les montants en franc qui doivent être déposés conformément à
 ses termes aient été utilisés ainsi qu'il est prévu audit article. Le
 paragraphe 2 de l'Article III demeurera en vigueur aussi longtemps
 que le Gouvernement des Etats-Unis d'Amérique aura la possibilité
 de faire les paiements de garantie envisagés à cet article.

4. Le présent Accord pourra être amendé à tout moment par
 décision commune des deux Gouvernements.

5. L'annexe à cet Accord en fait partie intégrante.

6. Le présent Accord sera enregistré par le Secrétaire Général des
 Nations Unies.

EN FOI DE QUOI, les Représentants respectifs des deux Gouverne-
 ments, dûment autorisés à cette fin, ont signé le présent Accord.

FAIT à PARIS, le 28 Juin 1948

en double exemplaire, en langues française et anglaise./.

JEFFERSON CAFFERY

[SEAL]

G BIDAULT

[SEAL]

ANNEXE

1. Il a été entendu que les dispositions du paragraphe 1 (a) de l'Article II sur l'adoption des mesures relatives à un emploi efficace des ressources comporteraient, en ce qui concerne les produits fournis aux termes de l'Accord, des mesures efficaces destinées à assurer la sauvegarde de ces produits et à empêcher leur détournement vers des marchés ou des circuits commerciaux illicites ou irréguliers.
2. Il a été entendu que l'obligation figurant au paragraphe 1 (c) de l'Article II d'équilibrer le budget aussitôt que possible n'excluait pas les déficits pendant une courte période mais signifiait une politique budgétaire organisée impliquant à plus ou moins longue échéance l'équilibre du budget.
3. Il est entendu que les pratiques commerciales et les arrangements commerciaux indiqués au paragraphe 3 de l'Article II sont:
 - a) ceux qui fixent les prix ou les conditions à observer dans les transactions avec les tiers concernant l'achat, la vente ou la location de tout produit;
 - b) ceux qui excluent des entreprises d'un marché territorial ou d'un champ d'activité commerciale, attribuent ou partagent un marché territorial ou un champ d'activité commerciale, répartissent la clientèle ou fixent les conditions de vente ou d'achat;
 - c) ceux qui ont un effet discriminatoire au détriment d'entreprises déterminées;
 - d) ceux qui limitent la production ou fixent des contingents de production;
 - e) ceux qui, par voie d'accord, empêchent l'amélioration ou la mise en oeuvre de procédés techniques ou d'inventions brevetées ou non;
 - f) ceux qui étendent l'usage de droits résultant de brevets, de marques de fabrique, de droits d'auteur ou de reproduction, accordés par l'un ou l'autre Gouvernement, à des matières qui, conformément aux lois et règlements dudit Gouvernement, ne rentrent pas dans le cadre de ces privilèges, ou bien à des produits ou à des conditions de production, d'utilisation ou de vente qui, de même, ne font pas l'objet de ces privilèges.
 - g) toute autre pratique que les deux Gouvernements souhaiteraient inclure dans cette liste.
4. Il est entendu que le Gouvernement de la République française n'est tenu d'agir, conformément au paragraphe 3 de l'Article II dans des cas d'espèce qu'après enquête et examen appropriés.
5. Il a été entendu que le passage de l'article 5: "compte tenu des besoins raisonnables de la France en produits nécessaires à sa con-

paragraphe 1 (a) de l'Article II à un emploi efficace des produits fournis destinés à assurer la leur détournement vers sites ou irréguliers.

le paragraphe 1 (c) de l'Article II, si possible n'excluait pas une politique moins longue échéance

les mesures et les arrangements prévus à l'Article II sont:

à observer dans les transactions de vente ou la location de

un marché territorial ou d'un marché qui partagent un marché commerciale, répartissent la ou d'achat;

au détriment d'entreprises

des contingents de produc-

l'application ou la mise en œuvre de brevets ou non; droits de brevets, de marques de production, accordés par les autorités qui, conformément à la loi, ne rentrent pas dans le cadre des droits ou à des conditions qui, de même, ne font pas

arrangements souhaiteraient

la République française conformément à l'Article 3 de l'Article II dans les cas appropriés.

l'Article 5: "compte tenu des droits nécessaires à sa con-

"sommation intérieure" couvrirait également le maintien à un niveau raisonnable des stocks des produits en question et que l'expression "commerce d'exportation" comprendrait les opérations de troc. Il a été également entendu que les accords négociés en vertu de l'article 5 pourraient inclure une clause de consultation conformément aux principes de l'article 32 de la Charte de La Havane pour une Organisation Internationale du Commerce dans le cas où les stocks seraient réalisés.

6. Il est entendu que le Gouvernement français n'aura pas, en application du paragraphe 2 a, de l'article VII, à fournir des informations détaillées sur les projets peu importants ou des renseignements commerciaux ou techniques d'ordre confidentiel dont la divulgation pourrait porter atteinte à des intérêts commerciaux légitimes.

7. Il est entendu que le Gouvernement des Etats-Unis d'Amérique, en faisant les notifications prévues par le paragraphe 2 de l'article IX, aura due considération à la nécessité de restreindre autant que possible le nombre des fonctionnaires pour lesquels les privilèges diplomatiques intégraux seraient demandés. Il a été également entendu que l'application dans les détails de l'Article IX serait l'objet s'il est nécessaire de conversations entre les deux Gouvernements.

8. Il est entendu que tout Accord qui serait conclu en exécution du paragraphe 2 de l'Article X serait soumis à la ratification du Sénat des Etats-Unis d'Amérique./.

[PUBLIC LAW 472—80TH CONGRESS]

[CHAPTER 169—2D SESSION]

[S. 2202]

AN ACT

To promote world peace and the general welfare, national interest, and foreign policy of the United States through economic, financial, and other measures necessary to the maintenance of conditions abroad in which free institutions may survive and consistent with the maintenance of the strength and stability of the United States.

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 "Foreign Assistance Act of 1948".

TITLE I

SEC. 101. This title may be cited as the "Economic Cooperation Act of 1948".

FINDINGS AND DECLARATION OF POLICY

SEC. 102. (a) Recognizing the intimate economic and other relationships between the United States and the nations of Europe, and recognizing that disruption following in the wake of war is not contained by national frontiers, the Congress finds that the existing situation in Europe endangers the establishment of a lasting peace, the general welfare and national interest of the United States, and the attainment of the objectives of the United Nations. The restoration or maintenance in European countries of principles of individual liberty, free institutions, and genuine independence rests largely upon the establishment of sound economic conditions, stable international economic relationships, and the achievement by the countries of Europe of a healthy economy independent of extraordinary outside assistance. The accomplishment of these objectives calls for a plan of European recovery, open to all such nations which cooperate in such plan, based upon a strong production effort, the expansion of foreign trade, the creation and maintenance of internal financial stability, and the development of economic cooperation, including all possible steps to establish and maintain equitable rates of exchange and to bring about the progressive elimination of trade barriers. Mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to the countries of Europe, it is declared to be the policy of the people of the United States to encourage these countries through a joint organization to exert sustained common efforts as set forth in the report of the Committee of European Economic Cooperation signed at Paris on September 22, 1947, which will speedily achieve that economic cooperation in Europe which is essential for lasting peace and prosperity. It is further declared to be the policy of the people of the United States to sustain and strengthen

CONGRESS]
SESSION]

national interest, and foreign
financial, and other measures
road in which free institutions
ce of the strength and stability

of Representatives of the
bled, That this Act may be
8".

Economic Cooperation Act

OF POLICY

economic and other rela-
e nations of Europe, and
e wake of war is not con-
s finds that the existing
ment of a lasting peace,
f the United States, and
ed s. The restora-
f p les of individual
ndence rests largely upon
ions, stable international
y the countries of Europe
inary outside assistance.
s for a plan of European
perate in such plan, based
ion of foreign trade, the
al stability, and the devel-
possible steps to establish
d to bring about the pro-
ndful of the advantages
h the existence of a large
riers, and believing that
s of Europe, it is declared
States to encourage these
exert sustained common
mittee of European Eco-
mber 22, 1947, which will
n Europe which is essen-
s further declared to be
to sustain and strengthen

principles of individual liberty, free institutions, and genuine inde-
pendence in Europe through assistance to those countries of Europe
which participate in a joint recovery program based upon self-help
and mutual cooperation: *Provided*, That no assistance to the partici-
pating countries herein contemplated shall seriously impair the eco-
nomic stability of the United States. It is further declared to be the
policy of the United States that continuity of assistance provided by
the United States should, at all times, be dependent upon continuity of
cooperation among countries participating in the program.

PURPOSES OF TITLE

(b) It is the purpose of this title to effectuate the policy set forth in
subsection (a) of this section by furnishing material and financial
assistance to the participating countries in such a manner as to aid
them, through their own individual and concerted efforts, to become
independent of extraordinary outside economic assistance within the
period of operations under this title, by—

- (1) promoting industrial and agricultural production in the
participating countries;
- (2) furthering the restoration or maintenance of the soundness
of European currencies, budgets, and finances; and
- (3) facilitating and stimulating the growth of international
trade of participating countries with one another and with other
countries by appropriate measures including reduction of barriers
which may hamper such trade.

PARTICIPATING COUNTRIES

SEC. 103. (a) As used in this title, the term "participating country"
means—

- (1) any country, together with dependent areas under its
administration, which signed the report of the Committee of
European Economic Cooperation at Paris on September 22, 1947;
and
- (2) any other country (including any of the zones of occupa-
tion of Germany, any areas under international administration or
control, and the Free Territory of Trieste or either of its zones)
wholly or partly in Europe, together with dependent areas under
its administration;

provided such country adheres to, and for so long as it remains an
adherent to, a joint program for European recovery designed to
accomplish the purposes of this title.

(b) Until such time as the Free Territory of Trieste or either of
its zones becomes eligible for assistance under this title as a partici-
pating country, assistance to the Free Territory of Trieste, or either
of its zones, is hereby authorized under the Foreign Aid Act of 1947
until June 30, 1949, and the said Foreign Aid Act of 1947 is hereby
amended accordingly, and not to exceed \$20,000,000 out of funds
authorized to be advanced by the Reconstruction Finance Corporation
under subsection (a) of section 114 of this title, or under subsection
(d) of section 11 of the Foreign Aid Act of 1947 notwithstanding
any appropriation heretofore made under such Act, may be utilized
for the purposes of this subsection: *Provided*, That section 11 (b)

of the Foreign Aid Act of 1947 shall not apply in respect of the Free Territory of Trieste or either of its zones: *And provided further*, That the provisions of section 115 (b) (6) of this title shall apply to local currency deposited pursuant to section 5 (b) of that Act.

ESTABLISHMENT OF ECONOMIC COOPERATION ADMINISTRATION

SEC. 104. (a) There is hereby established, with its principal office in the District of Columbia, an agency of the Government which shall be known as the Economic Cooperation Administration, hereinafter referred to as the Administration. The Administration shall be headed by an Administrator for Economic Cooperation, hereinafter referred to as the Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$20,000 per annum. The Administrator shall be responsible to the President and shall have a status in the executive branch of the Government comparable to that of the head of an executive department. Except as otherwise provided in this title, the administration of the provisions of this title is hereby vested in the Administrator and his functions shall be performed under the control of the President.

(b) There shall be in the Administration a Deputy Administrator for Economic Cooperation who shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$17,500 per annum. The Deputy Administrator for Economic Cooperation shall perform such functions as the Administrator shall designate, and shall be Acting Administrator for Economic Cooperation during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

(c) The President is authorized, pending the appointment and qualification of the first Administrator or Deputy Administrator for Economic Cooperation appointed hereunder, to provide, for a period of not to exceed thirty days after the date of enactment of this Act, for the performance of the functions of the Administrator under this title through such departments, agencies, or establishments of the United States Government as he may direct. In the event the President nominates an Administrator or Deputy Administrator prior to the expiration of such thirty-day period, the authority conferred upon the President by this subsection shall be extended beyond such thirty-day period but only until an Administrator or Deputy Administrator qualifies and takes office.

(d) (1) The Administrator, with the approval of the President, is hereby authorized and empowered to create a corporation with such powers as the Administrator may deem necessary or appropriate for the accomplishment of the purposes of this title.

(2) If a corporation is created under this section—

(i) it shall have the power to sue and be sued, to acquire, hold, and dispose of property, to use its revenues, to determine the character of any necessity for its obligations and expenditures and the manner in which they shall be incurred, allowed and paid, and to exercise such other powers as may be necessary or appropriate to carry out the purposes of the corporation;

(ii) its powers shall be set out in a charter which shall be valid

y in respect of the Free
 l pr further, That
 title apply to local
 that Act.

ADMINISTRATION

with its principal office
 Government which shall
 inistration, hereinafter
 dministration shall be
 ooperation, hereinafter
 appointed by the Pres-
 ne Senate, and who shall
 r annum. The Admin-
 and shall have a status
 mparable to that of the
 s otherwise provided in
 s of this title is hereby
 ons shall be performed

Deputy Administrator
 ointed by the President,
 enate, and shall receive
 a. The Deputy Admin-
 form such functions as
 ll be Acting Adminis-
 absence or disability of
 acancy in the office of

g the appointment and
 put Administrator for
 to e, for a period
 f enactment of this Act,
 dministrator under this
 r establishments of the

In the event the Presi-
 Administrator prior to
 uthority conferred upon
 ided beyond such thirty-
 r Deputy Administrator

proval of the President,
 a corporation with such
 sary or appropriate for
 e.

ction—
 be sued, to acquire, hold,
 enues, to determine the
 ations and expenditures
 rred, allowed and paid,
 be necessary or appropri-
 ation;

rtter which shall be valid

only when certified copies thereof are filed with the Secretary of the Senate and the Clerk of the House of Representatives and published in the Federal Register, and all amendments to such charter shall be valid only when similarly filed and published;

(iii) it shall not have succession beyond June 30, 1952, except for purposes of liquidation, unless its life is extended beyond such date pursuant to Act of Congress; and

(iv) it shall be subject to the Government Corporation Control Act to the same extent as wholly owned Government corporations listed in section 101 of such Act.

(3) All capital stock of the corporation shall be of one class, be issued for cash only, and be subscribed for by the Administrator. Payment for such capital stock shall be made from funds available for the purposes of this title.

(e) Any department, agency, or establishment of the Government (including, whenever used in this title, any corporation which is an instrumentality of the United States) performing functions under this title is authorized to employ, for duty within the continental limits of the United States, such personnel as may be necessary to carry out the provisions and purposes of this title, and funds available pursuant to section 114 of this title shall be available for personal services in the District of Columbia and elsewhere without regard to section 14 (a) of the Federal Employees Pay Act of 1946 (60 Stat. 219). Of such personnel employed by the Administration, not to exceed one hundred may be compensated without regard to the provisions of the Classification Act of 1923, as amended, of whom not more than twenty-five may be compensated at a rate in excess of \$10,000 per annum, but not in excess of \$15,000 per annum. Experts and consultants or organizations thereof, as authorized by section 15 of the Act of August 2, 1946 (U. S. C., title 5, sec. 55a), may be employed by the Administration, and individuals so employed may be compensated at rates not in excess of \$50 per diem and while away from their homes or regular places of business, they may be paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses while so employed.

(f) The Administrator may, from time to time, promulgate such rules and regulations as may be necessary and proper to carry out his functions under this title, and he may delegate authority to perform any of such functions to his subordinates, acting under his direction and under rules and regulations promulgated by him.

GENERAL FUNCTIONS OF ADMINISTRATOR

SEC. 105. (a) The Administrator, under the control of the President, shall in addition to all other functions vested in him by this title—

(1) review and appraise the requirements of participating countries for assistance under the terms of this title;

(2) formulate programs of United States assistance under this title, including approval of specific projects which have been submitted to him by the participating countries;

(3) provide for the efficient execution of any such programs as may be placed in operation; and

(4) terminate provision of assistance or take other remedial action as provided in section 118 of this title.

(b) In order to strengthen and make more effective the conduct of the foreign relations of the United States—

(1) the Administrator and the Secretary of State shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other;

(2) whenever the Secretary of State believes that any action, proposed action, or failure to act on the part of the Administrator is inconsistent with the foreign-policy objectives of the United States, he shall consult with the Administrator and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision;

(3) whenever the Administrator believes that any action, proposed action, or failure to act on the part of the Secretary of State in performing functions under this title is inconsistent with the purposes and provisions of this title, he shall consult with the Secretary of State and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

(c) The Administrator and the department, agency, or officer in the executive branch of the Government exercising the authority granted to the President by section 6 of the Act of July 2, 1940 (54 Stat. 714), as amended, shall keep each other fully and currently informed on matters, including prospective action, arising within the scope of their respective duties which are pertinent to the duties of the other. Whenever the Administrator believes that any action, proposed action, or failure to act on the part of such department, agency, or officer in performing functions under this title is inconsistent with the purposes and provisions of this title, he shall consult with such department, agency, or officer and, if differences of view are not adjusted by consultation, the matter shall be referred to the President for final decision.

NATIONAL ADVISORY COUNCIL

SEC. 106. Section 4 (a) of the Bretton Woods Agreements Act (59 Stat. 512, 513) is hereby amended to read as follows:

"SEC. 4. (a) In order to coordinate the policies and operations of the representatives of the United States on the Fund and the Bank and of all agencies of the Government which make or participate in making foreign loans or which engage in foreign financial, exchange or monetary transactions, there is hereby established the National Advisory Council on International Monetary and Financial Problems (hereinafter referred to as the 'Council'), consisting of the Secretary of the Treasury, as Chairman, the Secretary of State, the Secretary of Commerce, the Chairman of the Board of Governors of the Federal Reserve System, the Chairman of the Board of Directors of the Export-Import Bank of Washington, and during such period as the Economic Cooperation Administration shall continue to exist, the Administrator for Economic Cooperation."

PUBLIC ADVISORY BOARD

SEC. 107. (a) There is hereby created a Public Advisory Board, hereinafter referred to as the Board, which shall advise and consult with the Administrator with respect to general or basic policy matters

effective the conduct of

ary shall keep
d of ers, including
cope of their respective
the other;

believes that any action,
art of the Administrator
bjectives of the United
rator and, if differences
n, the matter shall be

es that any action, pro-
of the Secretary of State
is inconsistent with the
shall consult with the
iew are not adjusted by
o the President for final

agency, or officer in the
the authority granted
2, 1940 (54 Stat. 714),
currently informed of
within the scope of their
es of the other. When-
n, proposed action, or
gency, or officer in per-
ent with the purposes
with such department,
not adjusted by consul-
dent for final decision.

ements Act
as follows:
cies and operations of
e Fund and the Bank
ake or participate in
n financial, exchange
blished the National
d Financial Problems
ting of the Secretary
State, the Secretary
ernors of the Federal
of Directors of the
g such period as the
ontinue to exist, the

lic Advisory Board,
ll advise and consult
basic policy matters

arising in connection with the Administrator's discharge of his responsibilities. The Board shall consist of the Administrator, who shall be Chairman, and not to exceed twelve additional members to be appointed by the President, by and with the advice and consent of the Senate, and who shall be selected from among citizens of the United States of broad and varied experience in matters affecting the public interest, other than officers and employees of the United States (including any agency or instrumentality of the United States) who, as such, regularly receive compensation for current services. The Board shall meet at least once a month and at other times upon the call of the Administrator or when three or more members of the Board request the Administrator to call a meeting. Not more than a majority of two of the members shall be appointed to the Board from the same political party. Members of the Board, other than the Administrator, shall receive, out of funds made available for the purposes of this title, a per diem allowance of \$50 for each day spent away from their homes or regular places of business, for the purpose of attendance at meetings of the Board, or at conferences held upon the call of the Administrator, and in necessary travel, and while so engaged, they may be paid actual travel expenses and not to exceed \$10 per diem in lieu of subsistence and other expenses.

(b) The Administrator may appoint such other advisory committees as he may determine to be necessary or desirable to effectuate the purposes of this title.

UNITED STATES SPECIAL REPRESENTATIVE ABROAD

SEC. 108. There shall be a United States Special Representative in Europe who shall (a) be appointed by the President, by and with the advice and consent of the Senate, (b) be entitled to receive the same compensation and allowances as a chief of mission, class 1, within the meaning of the Act of August 13, 1946 (60 Stat. 999), and (c) have the rank of ambassador extraordinary and plenipotentiary. He shall be the representative of the Administrator, and shall also be the chief representative of the United States Government to any organization of participating countries which may be established by such countries to further a joint program for European recovery, and shall discharge in Europe such additional responsibilities as may be assigned to him with the approval of the President in furtherance of the purposes of this title. He may also be designated as the United States representative on the Economic Commission for Europe. He shall receive his instructions from the Administrator and such instructions shall be prepared and transmitted to him in accordance with procedures agreed to between the Administrator and the Secretary of State in order to assure appropriate coordination as provided by subsection (b) of section 105 of this title. He shall coordinate the activities of the chiefs of special missions provided for in section 109 of this title. He shall keep the Administrator, the Secretary of State, the chiefs of the United States diplomatic missions, and the chiefs of the special missions provided for in section 109 of this title currently informed concerning his activities. He shall consult with the chiefs of all such missions, who shall give him such cooperation as he may require for the performance of his duties under this title.

SPECIAL ECA MISSIONS ABROAD

SEC. 109. (a) There shall be established for each participating country, except as provided in subsection (d) of this section, a special mission for economic cooperation under the direction of a chief who shall be responsible for assuring the performance within such country of operations under this title. The chief shall be appointed by the Administrator, shall receive his instructions from the Administrator, and shall report to the Administrator on the performance of the duties assigned to him. The chief of the special mission shall take rank immediately after the chief of the United States diplomatic mission in such country.

(b) The chief of the special mission shall keep the chief of the United States diplomatic mission fully and currently informed on matters, including prospective action, arising within the scope of the operations of the special mission and the chief of the diplomatic mission shall keep the chief of the special mission fully and currently informed on matters relative to the conduct of the duties of the chief of the special mission. The chief of the United States diplomatic mission will be responsible for assuring that the operations of the special mission are consistent with the foreign-policy objectives of the United States in such country and to that end whenever the chief of the United States diplomatic mission believes that any action, proposed action, or failure to act on the part of the special mission is inconsistent with such foreign-policy objectives, he shall so advise the chief of the special mission and the United States Special Representative in Europe. If differences of view are not adjusted by consultation, the matter shall be referred to the Secretary of State and the Administrator for decision.

(c) The Secretary of State shall provide such office space, facilities, and other administrative services for the United States Special Representative in Europe and his staff, and for the special mission in each participating country, as may be agreed between the Secretary of State and the Administrator.

(d) With respect to any of the zones of occupation of Germany and of the Free Territory of Trieste, during the period of occupation, the President shall make appropriate administrative arrangements for the conduct of operations under this title, in order to enable the Administrator to carry out his responsibility to assure the accomplishment of the purposes of this title.

PERSONNEL OUTSIDE UNITED STATES

SEC. 110. (a) For the purpose of performing functions under this title outside the continental limits of the United States the Administrator may—

(1) employ persons who shall receive compensation at any of the rates provided for the Foreign Service Reserve and Staff by the Foreign Service Act of 1946 (60 Stat. 999), together with allowances and benefits established thereunder; and

(2) recommend the appointment or assignment of persons, and the Secretary of State may appoint or assign such persons, to any class in the Foreign Service Reserve or Staff for the duration of operations under this title, and the Secretary of State may

BROAD

and in each participating
 (1) of this section, a special
 in the direction of a chief who
 in such country
 shall be appointed by the
 from the Administrator,
 performance of the duties
 of the mission shall take rank
 of States diplomatic mission

shall keep the chief of the
 and currently informed on
 within the scope of the
 of the diplomatic mission
 and currently informed
 duties of the chief of the
 States diplomatic mission
 operations of the special
 objectives of the United
 States, proposed action, or
 is inconsistent with such
 the chief of the special mis-
 sion in Europe. If
 suggestion, the matter shall
 Administrator for decision.
 such office space, facilities,
 United States Special Repre-
 sentative on the special mission in each
 between the Secretary of

of occupation of Germany
 during the period of occupation,
 administrative arrangements for
 in order to enable the
 to assure the accomplish-

STATES

performing functions under this
 title in the United States the Admin-

the compensation at any of
 the Reserve and Staff by
 Stat. 999), together with
 under; and
 assignment of persons, and
 to assign such persons, to
 or Staff for the duration
 of the Secretary of State may

assign, transfer, or promote such persons upon the recommenda-
 tion of the Administrator. Persons so appointed to the Foreign
 Service Staff shall be entitled to the benefits of section 528 of the
 Foreign Service Act of 1946.

(b) For the purpose of performing functions under this title out-
 side the continental limits of the United States, the Secretary of State
 may, at the request of the Administrator, appoint, for the duration of
 operations under this title, alien clerks and employees in accordance
 with applicable provisions of the Foreign Service Act of 1946
 (60 Stat. 999).

(c) No citizen or resident of the United States may be employed,
 or if already employed, may be assigned to duties by the Secretary
 of State or the Administrator under this title for a period to exceed
 three months unless such individual has been investigated as to loyalty
 and security by the Federal Bureau of Investigation and a report
 thereon has been made to the Secretary of State and the Administrator,
 and until the Secretary of State or the Administrator has certified
 in writing (and filed copies thereof with the Senate Committee on
 Foreign Relations and the House Committee on Foreign Affairs)
 that, after full consideration of such report, he believes such individual
 is loyal to the United States, its Constitution, and form of government,
 and is not now and has never been a member of any organization advo-
 cating contrary views. This subsection shall not apply in the case of
 any officer appointed by the President by and with the advice and
 consent of the Senate.

NATURE AND METHOD OF ASSISTANCE

SEC. 111. (a) The Administrator may, from time to time, furnish
 assistance to any participating country by providing for the perform-
 ance of any of the functions set forth in paragraphs (1) through (5)
 of this subsection when he deems it to be in furtherance of the pur-
 poses of this title, and upon the terms and conditions set forth in this
 title and such additional terms and conditions consistent with the pro-
 visions of this title as he may determine to be necessary and proper.

(1) Procurement from any source, including Government stocks
 on the same basis as procurement by Government agencies under
 Public Law 375 (Seventy-ninth Congress) for their own use, of
 any commodity which he determines to be required for the further-
 ance of the purposes of this title. As used in this title, the term
 "commodity" means any commodity, material, article, supply, or
 goods necessary for the purposes of this title.

(2) Processing, storing, transporting, and repairing any com-
 modities, or performing any other services with respect to a par-
 ticipating country which he determines to be required for
 accomplishing the purposes of this title. The Administrator shall,
 in providing for the procurement of commodities under authority
 of this title, take such steps as may be necessary to assure, so far
 as is practicable, that at least 50 per centum of the gross tonnage
 of commodities, procured within the United States out of funds
 made available under this title and transported abroad on ocean
 vessels, is so transported on United States flag vessels to the extent
 such vessels are available at market rates.

(3) Procurement of and furnishing technical information and assistance.

(4) Transfer of any commodity or service, which transfer shall be signified by delivery of the custody and right of possession and use of such commodity, or otherwise making available any such commodity, or by rendering a service to a participating country or to any agency or organization representing a participating country.

(5) The allocation of commodities or services to specific projects designed to carry out the purposes of this title, which have been submitted to the Administrator by participating countries and have been approved by him.

(b) In order to facilitate and maximize the use of private channels of trade, subject to adequate safeguards to assure that all expenditures in connection with such procurement are within approved programs in accordance with terms and conditions established by the Administrator, he may provide for the performance of any of the functions described in subsection (a) of this section—

(1) by establishing accounts against which, under regulations prescribed by the Administrator—

(i) letters of commitment may be issued in connection with supply programs approved by the Administrator (and such letters of commitment, when issued, shall constitute obligations of the United States and monies due or to become due thereunder shall be assignable under the Assignment of Claims Act of 1940 and shall constitute obligations of applicable appropriations); and

(ii) withdrawals may be made by participating countries, or agencies or organizations representing participating countries or by other persons or organizations, upon presentation of contracts, invoices, or other documentation specified by the Administrator under arrangements prescribed by the Administrator to assure the use of such withdrawals for purposes approved by the Administrator.

Such accounts may be established on the books of the Administration, or any other department, agency, or establishment of the Government specified by the Administrator, or, on terms and conditions approved by the Secretary of the Treasury, in banking institutions in the United States. 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: *Provided*, That such expenditures for commodities or services procured outside the continental limits of the United States under authority of this section may be accounted for exclusively on such certification as the Administrator may prescribe in regulations promulgated by him with the approval of the Comptroller General of the United States to assure expenditure in furtherance of the purposes of this title.

(2) by utilizing the services and facilities of any department, agency, or establishment of the Government as the President shall direct, or with the consent of the head of such department, agency, or establishment, or, in the President's discretion, by acting in cooperation with the United Nations or with other international

technical information and

ice. transfer shall
 l right possession and
 king available any such
 a participating country
 sending a participating

services to specific proj-
 of this title, which have
 participating countries

use of private channels
 assure that all expendi-
 e within approved pro-
 ions established by the
 ormance of any of the
 tion—

hich, under regulations

ne issued in connection
 he Administrator (and
 issued, shall constitute
 monies due or to become
 nder the Assignment of
 ite obligations of appli-

participating countries,
 ing participating coun-
 ions, upon presentation
 entation specified by the
 rescribed by the Admin-
 thd for purposes

e books of the Admin-
 ency, or establishment
 inistrator, or, on terms
 ry of the Treasury, in

Expenditures of funds
 accounts so established
 mentation required for
 led, That such expendi-
 outside the continental
 y of this section may be
 tion as the Administra-
 gated by him with the
 the United States to
 purposes of this title.

ies of any department,
 it as the President shall
 ch department, agency,
 l discretion, by acting in
 ith other international

organizations or with agencies of the participating countries,
 and funds allocated pursuant to this section to any department,
 agency, or establishment of the Government shall be established
 in separate appropriation accounts on the books of the Treasury.

(3) by making, under rules and regulations to be prescribed by
 the Administrator, guaranties to any person of investments in
 connection with projects approved by the Administrator and
 the participating country concerned as furthering the purposes
 of this title (including guaranties of investments in enterprises
 producing or distributing informational media: *Provided*, That
 the amount of such guaranties in the first year after the date of
 the enactment of this Act does not exceed \$15,000,000), which
 guaranties shall terminate not later than fourteen years from the
 date of enactment of this Act: *Provided*, That—

(i) the guaranty to any person shall not exceed the amount
 of dollars invested in the project by such person with the
 approval of the Administrator and shall be limited to the
 transfer into United States dollars of other currencies, or
 credits in such currencies, received by such person as income
 from the approved investment, as repayment or return
 thereof, in whole or in part, or as compensation for the sale
 or disposition of all or any part thereof: *Provided*, That,
 when any payment is made to any person under authority
 of this paragraph, such currencies, or credits in such
 currencies, shall become the property of the United States
 Government:

(ii) the Administrator may charge a fee in an amount
 determined by him not exceeding 1 per centum per annum
 of the amount of each guaranty, and all fees collected here-
 under shall be available for expenditure in discharge of lia-
 bilities under guaranties made under this paragraph until
 such time as all such liabilities have been discharged or have
 expired, or until all such fees have been expended in accord-
 ance with the provisions of this paragraph; and

(iii) as used in this paragraph, the term "person" means
 a citizen of the United States or any corporation, partnership,
 or other association created under the law of the United States
 or of any State or Territory and substantially beneficially
 owned by citizens of the United States.

The total amount of the guaranties made under this paragraph
 (3) shall not exceed \$300,000,000, and as such guaranties are made
 the authority to realize funds from the sale of notes for the
 purpose of allocating funds to the Export-Import Bank of Wash-
 ington under paragraph (2) of subsection (c) of this section
 shall be accordingly reduced. Any payments made to discharge
 liabilities under guaranties issued under paragraph (3) of this
 subsection shall be paid out of fees collected under subparagraph
 (ii) of paragraph (3) of this subsection as long as such fees are
 available, and thereafter shall be paid out of funds realized from
 the sale of notes which shall be issued under authority of para-
 graph (2) of subsection (c) of this section when necessary to
 discharge liabilities under any such guaranty.

(c) (1) The Administrator may provide assistance for any participating country, in the form and under the procedures authorized in subsections (a) and (b), respectively, of this section, through grants or upon payment in cash, or on credit terms, or on such other terms of payment as he may find appropriate, including payment by the transfer to the United States (under such terms and in such quantities as may be agreed to between the Administrator and the participating country) of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources. In determining whether such assistance shall be through grants or upon terms of payment, and in determining the terms of payment, he shall act in consultation with the National Advisory Council on International Monetary and Financial Problems, and the determination whether or not a participating country should be required to make payment for any assistance furnished to such country in furtherance of the purposes of this title, and the terms of such payment, if required, shall depend upon the character and purpose of the assistance and upon whether there is reasonable assurance of repayment considering the capacity of such country to make such payments without jeopardizing the accomplishment of the purposes of this title.

(2) When it is determined that assistance should be extended under the provisions of this title on credit terms, the Administrator shall allocate funds for the purpose to the Export-Import Bank of Washington, which shall, notwithstanding the provisions of the Export-Import Bank Act of 1945 (59 Stat. 526), as amended, make and administer the credit on terms specified by the Administrator in consultation with the National Advisory Council on International Monetary and Financial Problems. The Administrator is authorized to issue notes from time to time for purchase by the Secretary of the Treasury in an amount not exceeding in the aggregate \$1,000,000,000 (i) for the purpose of allocating funds to the Export-Import Bank of Washington under this paragraph during the period of one year following the date of enactment of this Act and (ii) for the purpose of carrying out the provisions of paragraph (3) of subsection (b) of this section until all liabilities arising under guaranties made pursuant to such paragraph (3) have expired or have been discharged. Such notes shall be redeemable at the option of the Administrator before maturity in such manner as may be stipulated in such notes and shall have such maturity as may be determined by the Administrator with the approval of the Secretary of the Treasury. Each such note shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average rate on outstanding marketable obligations of the United States as of the last day of the month preceding the issuance of the note. Payment under this paragraph of the purchase price of such notes and repayments thereof by the Administrator shall be treated as public-debt transactions of the United States. In allocating funds to the Export-Import Bank of Washington under this paragraph, the Administrator shall first utilize such funds realized from the sale of notes authorized by this paragraph as he determines to be available for this purpose, and when such funds are exhausted, or after the end of one year from the date of enactment of this Act, whichever is earlier, he shall utilize any funds appropriated under this title. The Administrator shall make advances to, or reimburse,

istance for any partici-
 proce... authorized in
 sect... through grants
 or... other terms
 uding payment by the
 s and in such quantities
 r and the participating
 the United States as a
 a its own resources. In
 through grants or upon
 ns of payment, he shall
 ry Council on Interna-
 and the determination
 ld be required to make
 country in furtherance
 ch payment, if required,
 e of the assistance and
 repayment considering
 ents without jeopardiz-
 title.

ould be extended under
 he Administrator shall
 Import Bank of Wash-
 ovisions of the Export-
 ended, make and admin-
 istrator in consultation
 national Monetary and
 uthorized to issue notes
 y of the Treasury in an
 000,000 (i) for the pur-
 t Bank of Washington
 year following the date
 pose... rrying out the
 of... ction until all
 uant... such paragraph
 h notes shall be redeem-
 nativity in such manner
 have such maturity as
 th the approval of the
 shall bear interest at a
 ury, taking into consid-
 ; marketable obligations
 ie month preceding the
 ragraph of the purchase
 the Administrator shall
 United States. In allo-
 Washington under this
 ize such funds realized
 ragraph as he determines
 h funds are exhausted,
 enactment of this Act,
 ds appropriated under
 vances to, or reimburse,

the Export-Import Bank of Washington for necessary administrative expenses in connection with such credits. Credits made by the Export-Import Bank of Washington with funds so allocated to it by the Administrator shall not be considered in determining whether the Bank has outstanding at any one time loans and guaranties to the extent of the limitation imposed by section 7 of the Export-Import Bank Act of 1945 (59 Stat. 529), as amended. Amounts received in repayment of principal and interest on any credits made under this paragraph shall be deposited into miscellaneous receipts of the Treasury: *Provided*, That, to the extent required for such purpose, amounts received in repayment of principal and interest on any credits made out of funds realized from the sale of notes authorized under this paragraph shall be deposited into the Treasury for the purpose of the retirement of such notes.

PROTECTION OF DOMESTIC ECONOMY

SEC. 112. (a) The Administrator shall provide for the procurement in the United States of commodities under this title in such a way as to (1) minimize the drain upon the resources of the United States and the impact of such procurement upon the domestic economy, and (2) avoid impairing the fulfillment of vital needs of the people of the United States.

(b) The procurement of petroleum and petroleum products under this title shall, to the maximum extent practicable, be made from petroleum sources outside the United States; and, in furnishing commodities under the provisions of this title, the Administrator shall take fully into account the present and anticipated world shortage of petroleum and its products and the consequent undesirability of expansion in petroleum-consuming equipment where the use of alternate fuels or other sources of power is practicable.

(c) In order to assure the conservation of domestic grain supplies and the retention in the United States of byproduct feeds necessary to the maintenance of the agricultural economy of the United States, the amounts of wheat and wheat flour produced in the United States to be transferred by grant to the participating countries shall be so determined that the total quantity of United States wheat used to produce the wheat flour procured in the United States for transfer by grant to such countries under this title shall not be less than 25 per centum of the aggregate of the unprocessed wheat and wheat in the form of flour procured in the United States for transfer by grant to such countries under this title.

(d) The term "surplus agricultural commodity" as used in this section is defined as any agricultural commodity, or product thereof, produced in the United States which is determined by the Secretary of Agriculture to be in excess of domestic requirements. In providing for the procurement of any such surplus agricultural commodity for transfer by grant to any participating country in accordance with the requirements of such country, the Administrator shall, insofar as practicable and where in furtherance of the purposes of this title, give effect to the following:

(1) The Administrator shall authorize the procurement of any such surplus agricultural commodity only within the United States: *Provided*, That this restriction shall not be applicable (i) to any agri-

cultural commodity, or product thereof, located in one participating country, and intended for transfer to another participating country, if the Administrator, in consultation with the Secretary of Agriculture, determines that such procurement and transfer is in furtherance of the purposes of this title, and would not create a burdensome surplus in the United States or seriously prejudice the position of domestic producers of such surplus agricultural commodities, or (ii) if, and to the extent that any such surplus agricultural commodity is not available in the United States in sufficient quantities to supply the requirements of the participating countries under this title.

(2) In providing for the procurement of any such surplus agricultural commodity, the Administrator shall, insofar as practicable and applicable, and after giving due consideration to the excess of any such commodity over domestic requirements, and to the historic reliance of United States producers of any such surplus agricultural commodity upon markets in the participating countries, provide for the procurement of each class or type of any such surplus agricultural commodity in the approximate proportion that the Secretary of Agriculture determines such classes or types bear to the total amount of excess of such surplus agricultural commodity over domestic requirements.

(e) Whenever the Secretary of Agriculture determines that any quantity of any surplus agricultural commodity, heretofore or hereafter acquired by Commodity Credit Corporation in the administration of its price-support programs, is available for use in furnishing assistance to foreign countries, he shall so advise all departments, agencies, and establishments of the Government administering laws providing for the furnishing of assistance or relief to foreign countries (including occupied or liberated countries or areas of such countries). Thereafter the department, agency, or establishment administering any such law shall, to the maximum extent practicable, consistent with the provisions and in furtherance of the purposes of such law, and where for transfer by grant and in accordance with the requirements of such foreign country, procure or provide for the procurement of such quantity of such surplus agricultural commodity. The sales price paid as reimbursement to Commodity Credit Corporation for any such surplus agricultural commodity shall be in such amount as Commodity Credit Corporation determines will fully reimburse it for the cost to it of such surplus agricultural commodity at the time and place such surplus agricultural commodity is delivered by it, but in no event shall the sales price be higher than the domestic market price at such time and place of delivery as determined by the Secretary of Agriculture, and the Secretary of Agriculture may pay not to exceed 50 per centum of such sales price as authorized by subsection (f) of this section.

(f) Subject to the provisions of this section, but notwithstanding any other provision of law, in order to encourage utilization of surplus agricultural commodities pursuant to this or any other Act providing for assistance or relief to foreign countries, the Secretary of Agriculture, in carrying out the purposes of clause (1), section 32, Public Law 320, Seventy-fourth Congress, as amended, may make payments, including payments to any government agency procuring or selling such surplus agricultural commodities, in an amount not to exceed 50

per
ves
Ag
of t
Lay
are
yea
(
by
ame
cou
cou
of t
by
the
if s
pat
Pro
dep
in t
(
des
to t
pur

S
pay
com
fron
Suc
dis
by l
agre
of t
mod
app
be p
faci
be p
ager
or a
and
com
any
Trea
(l
of t
com
this
cour
to a
use

ated in one participating
er participating country,
the Secretary of Agricul-
transac is in furtherance
eate a burdensome surplus
the position of domestic
ommodities, or (ii) if, and
iltural commodity is not
quantities to supply the
nder this title.

f any such surplus agri-
ll, insofar as practicable
leration to the excess of
ents, and to the historic
such surplus agricultural
g countries, provide for
such surplus agricultural
at the Secretary of Agri-
ear to the total amount
mmodity over domestic

ure determines that any
dity, heretofore or here-
ration in the administra-
ble for use in furnishing
advise all departments,
nent administering laws
relief to foreign countries
areas of such countries).
blishment administering
t practicable, consistent
ie p es of such law,
rda th the require-
rov or the procure-
iltural commodity. The
dity Credit Corporation
shall be in such amount
es will fully reimburse
tural commodity at the
mmodity is delivered by
gher than the domestic
ry as determined by the
f Agriculture may pay
ce as authorized by sub-

m, but notwithstanding
ge utilization of surplus
ny other Act providing
e Secretary of Agricul-
(1), section 32, Public
d, may make payments,
cy procuring or selling
mount not to exceed 50

per centum of the sales price (basis free along ship or free on board vessel, United States ports), as determined by the Secretary of Agriculture, of such surplus agricultural commodities. The rescission of the remainder of section 32 funds by the Act of July 30, 1947 (Public Law 266, Eightieth Congress), is hereby canceled and such funds are hereby made available for the purposes of section 32 for the fiscal year ending June 30, 1948.

(g) No export shall be authorized pursuant to authority conferred by section 6 of the Act of July 2, 1940 (54 Stat. 714), including any amendment thereto, of any commodity from the United States to any country wholly or partly in Europe which is not a participating country, if the department, agency, or officer in the executive branch of the Government exercising the authority granted to the President by section 6 of the Act of July 2, 1940, as amended, determines that the supply of such commodity is insufficient (or would be insufficient if such export were permitted) to fulfill the requirements of participating countries under this title as determined by the Administrator: *Provided, however,* That such export may be authorized if such department, agency, or officer determines that such export is otherwise in the national interest of the United States.

(h) In providing for the performance of any of the functions described in subsection (a) of section 111, the Administrator shall, to the maximum extent consistent with the accomplishment of the purposes of this title, utilize private channels of trade.

REIMBURSEMENT TO GOVERNMENT AGENCIES

Sec. 113. (a) The Administrator shall make reimbursement or payment, out of funds available for the purposes of this title, for any commodity, service, or facility procured under section 111 of this title from any department, agency, or establishment of the Government. Such reimbursement or payment shall be made to the owning or disposal agency, as the case may be, at replacement cost, or, if required by law, at actual cost, or at any other price authorized by law and agreed to between the Administrator and such agency. The amount of any reimbursement or payment to an owning agency for commodities, services, or facilities so procured shall be credited to current applicable appropriations, funds, or accounts from which there may be procured replacements of similar commodities or such services or facilities: *Provided,* That such commodities, services, or facilities may be procured from an owning agency only with the consent of such agency: *And provided further,* That where such appropriations, funds, or accounts are not reimbursable except by reason of this subsection, and when the owning agency determines that replacement of any commodity procured under authority of this section is not necessary, any funds received in payment therefor shall be covered into the Treasury as miscellaneous receipts.

(b) The Administrator, whenever in his judgment the interests of the United States will best be served thereby, may dispose of any commodity procured out of funds made available for the purposes of this title, in lieu of transferring such commodity to a participating country, (1) by transfer of such commodity, upon reimbursement, to any department, agency, or establishment of the Government for use or disposal by such department, agency, or establishment as

authorized by law, or (2) without regard to provisions of law relating to the disposal of Government-owned property, when necessary to prevent spoilage or wastage of such commodity or to conserve the usefulness thereof. Funds realized from such disposal or transfer shall revert to the respective appropriation or appropriations out of which funds were expended for the procurement of such commodity.

AUTHORIZATION OF APPROPRIATIONS

SEC. 114. (a) Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation shall be made pursuant to subsection (c) of this section, to make advances not to exceed in the aggregate \$1,000,000,000 to carry out the provisions of this title, in such manner, at such time, and in such amounts as the President shall determine, and no interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose. The Reconstruction Finance Corporation shall be repaid without interest for advances made by it hereunder, from funds made available for the purposes of this title.

(b) Such part as the President may determine of the unobligated and unexpended balances of appropriations or other funds available for the purposes of the Foreign Aid Act of 1947 shall be available for the purpose of carrying out the purposes of this title.

(c) In order to carry out the provisions of this title with respect to those participating countries which adhere to the purposes of this title, and remain eligible to receive assistance hereunder, such funds shall be available as are hereafter authorized and appropriated to the President from time to time through June 30, 1952, to carry out the provisions and accomplish the purposes of this title: *Provided, however,* That for carrying out the provisions and accomplishing the purposes of this title for the period of one year following the date of enactment of this Act, there are hereby authorized to be so appropriated not to exceed \$4,300,000,000. Nothing in this title is intended nor shall it be construed as an express or implied commitment to provide any specific assistance, whether of funds, commodities, or services, to any country or countries. The authorization in this title is limited to the period of twelve months in order that subsequent Congresses may pass on any subsequent authorizations.

(d) Funds made available for the purposes of this title shall be available for incurring and defraying all necessary expenses incident to carrying out the provisions of this title, including administrative expenses and expenses for compensation, allowances and travel of personnel, including Foreign Service personnel whose services are utilized primarily for the purposes of this title, and, without regard to the provisions of any other law, for printing and binding, and for expenditures outside the continental limits of the United States for the procurement of supplies and services and for other administrative purposes (other than compensation of personnel) without regard to such laws and regulations governing the obligation and expenditure of government funds, as the Administrator shall specify in the interest of the accomplishment of the purposes of this title.

(e) The unencumbered portions of any deposits which may have been made by any participating country pursuant to section 6 of the

j
d
(
g
p
a
P

11
h
tr
F
\$:
cc
di
er
ge
th
or
ti
ur
tic
ex
of
of
tr

A
in
re
pu
to
au
im
ne
wh
an
me
tic
mi

mi
eff
an
of
19-
cou
un
thi
pa

provisions of law relating to the sale, when necessary to conserve the national or transfer or appropriations out of the interest of such commodity.

PROVISIONS

provisions of any other law, the amount authorized and directed, until the amount pursuant to subsection (a) exceeds in the aggregate the amount authorized in this title, in such manner, the President shall determine, the amount made by the Treasury to carry out this purpose. The Reconstruction Finance Corporation shall be authorized without interest for the amount made available for the

amount of the unobligated or other funds available under section 115 of the Foreign Aid Act of 1947 shall be available for the purposes of this title.

of this title with respect to the purposes of this title hereunder, such funds shall be authorized and appropriated to carry out this title: *Provided*, that the amount authorized and accomplishing the purposes of this title following the date of the authorization shall be so appropriated in this title is intended to imply a commitment to the use of such funds, commodities, or other resources authorized in this title in order that subsequent appropriations.

Provisions of this title shall be necessary expenses incident to the administration including administrative allowances and travel of personnel whose services are available, and, without regard to the binding, and for the United States for the purposes of other administrative personnel) without regard to the authorization and expenditure of such funds shall specify in the interest of this title.

deposits which may have been made pursuant to section 6 of the

joint resolution providing for relief assistance to the people of countries devastated by war (Public Law 84, Eightieth Congress) and section 5 (b) of the Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress) may be merged with the deposits to be made by such participating country in accordance with section 115 (b) (6) of this title, and shall be held or used under the same terms and conditions as are provided in section 115 (b) (6) of this title.

(f) In order to reserve some part of the surplus of the fiscal year 1948 for payments thereafter to be made under this title, there is hereby created on the books of the Treasury of the United States a trust fund to be known as the Foreign Economic Cooperation Trust Fund. Notwithstanding any other provision of law, an amount of \$3,000,000,000, out of sums appropriated pursuant to the authorization contained in this title shall, when appropriated, be transferred immediately to the trust fund, and shall thereupon be considered as expended during the fiscal year 1948, for the purpose of reporting governmental expenditures. The Secretary of the Treasury shall be the sole trustee of the trust fund and is authorized and directed to pay out of the fund such amounts as the Administrator shall duly requisition. The first expenditures made out of the appropriations authorized under this title in the fiscal year 1949 shall be made with funds requisitioned by the Administrator out of the trust fund until the fund is exhausted, at which time such fund shall cease to exist. The provisions of this subsection shall not be construed as affecting the application of any provision of law which would otherwise govern the obligation of funds so appropriated or the auditing or submission of accounts of transactions with respect to such funds.

BILATERAL AND MULTILATERAL UNDERTAKINGS

Sec. 115. (a) The Secretary of State, after consultation with the Administrator, is authorized to conclude, with individual participating countries or any number of such countries or with an organization representing any such countries, agreements in furtherance of the purposes of this title. The Secretary of State, before an Administrator or Deputy Administrator shall have qualified and taken office, is authorized to negotiate and conclude such temporary agreements in implementation of subsection (b) of this section as he may deem necessary in furtherance of the purposes of this title: *Provided*, That when an Administrator or Deputy Administrator shall have qualified and taken office, the Secretary of State shall conclude the basic agreements required by subsection (b) of this section only after consultation with the Administrator or Deputy Administrator, as the case may be.

(b) The provision of assistance under this title results from the multilateral pledges of the participating countries to use all their efforts to accomplish a joint recovery program based upon self-help and mutual cooperation as embodied in the report of the Committee of European Economic Cooperation signed at Paris on September 22, 1947, and is contingent upon continuous effort of the participating countries to accomplish a joint recovery program through multilateral undertakings and the establishment of a continuing organization for this purpose. In addition to continued mutual cooperation of the participating countries in such a program, each such country shall

conclude an agreement with the United States in order for such country to be eligible to receive assistance under this title. Such agreement shall provide for the adherence of such country to the purposes of this title and shall, where applicable, make appropriate provision, among others, for—

(1) promoting industrial and agricultural production in order to enable the participating country to become independent of extraordinary outside economic assistance; and submitting for the approval of the Administrator, upon his request and whenever he deems it in furtherance of the purposes of this title, specific projects proposed by such country to be undertaken in substantial part with assistance furnished under this title, which projects, whenever practicable, shall include projects for increased production of coal, steel, transportation facilities, and food;

(2) taking financial and monetary measures necessary to stabilize its currency, establish or maintain a valid rate of exchange, to balance its governmental budget as soon as practicable, and generally to restore or maintain confidence in its monetary system;

(3) cooperating with other participating countries in facilitating and stimulating an increasing interchange of goods and services among the participating countries and with other countries and cooperating to reduce barriers to trade among themselves and with other countries;

(4) making efficient and practical use, within the framework of a joint program for European recovery, of the resources of such participating country, including any commodities, facilities, or services furnished under this title, which use shall include, to the extent practicable, taking measures to locate and identify and put into appropriate use, in furtherance of such program, assets, and earnings therefrom, which belong to the citizens of such country and which are situated within the United States, its Territories and possessions;

(5) facilitating the transfer to the United States by sale, exchange, barter, or otherwise for stock-piling or other purposes, for such period of time as may be agreed to and upon reasonable terms and in reasonable quantities, of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources, and which may be available in such participating country after due regard for reasonable requirements for domestic use and commercial export of such country;

(6) placing in a special account a deposit in the currency of such country, in commensurate amounts and under such terms and conditions as may be agreed to between such country and the Government of the United States, when any commodity or service is made available through any means authorized under this title, and is furnished to the participating country on a grant basis. Such special account, together with the unencumbered portions of any deposits which may have been made by such country pursuant to section 6 of the joint resolution providing for relief assistance to the people of countries devastated by war (Public Law 84, Eightieth Congress) and section 5 (b) of the Foreign Aid Act of 1947 (Public Law 389, Eightieth Congress), shall be held or used within such country for such purposes as

order for such coun-
is title. Such agree-
ment for the purposes
approved by the provision,

production in order
some independent of
and submitting for
request and whenever
of this title, specific
operations in substantial
title, which projects,
for increased produc-
and food;

measures necessary to sta-
bilize rate of exchange,
as far as practicable, and
its monetary system;
and countries in facili-
tating exchange of goods and
and with other coun-
tries among themselves

within the framework
of the resources of
commodities, facilities,
and use shall include, to
locate and identify and
such program, assets,
the citizens of such
the United States, its

operations by sale,
for purposes,
and upon reasonable
materials which are
deficiencies or poten-
tial which may be available
regard for reasonable
commercial export of such

in the currency of
and under such terms
in such country and
in any commodity or
is authorized under
in such country on a grant
of the unencumbered
has been made by such
resolution providing
areas devastated by war
in section 5 (b) of the
Eightieth Congress),
or such purposes as

may be agreed to between such country and the Administrator in consultation with the National Advisory Council on International Monetary and Financial Problems, and the Public Advisory Board provided for in section 107 (a) for purposes of internal monetary and financial stabilization, for the stimulation of productive activity and the exploration for and development of new sources of wealth, or for such other expenditures as may be consistent with the purposes of this title, including local currency administrative expenditures of the United States incident to operations under this title, and under agreement that any unencumbered balance remaining in such account on June 30, 1952, shall be disposed of within such country for such purposes as may, subject to approval by Act or joint resolution of the Congress, be agreed to between such country and the Government of the United States;

(7) publishing in such country and transmitting to the United States, not less frequently than every calendar quarter after the date of the agreement, full statements of operations under the agreement, including a report of the use of funds, commodities, and services received under this title;

(8) furnishing promptly, upon request of the United States, any relevant information which would be of assistance to the United States in determining the nature and scope of operations and the use of assistance provided under this title;

(9) recognizing the principle of equity in respect to the drain upon the natural resources of the United States and of the recipient countries, by agreeing to negotiate (a) a future schedule of minimum availabilities to the United States for future purchase and delivery of a fair share of materials which are required by the United States as a result of deficiencies or potential deficiencies in its own resources at world market prices so as to protect the access of United States industry to an equitable share of such materials either in percentages of production or in absolute quantities from the participating countries, and (b) suitable protection for the right of access for any person as defined in paragraph (iii) of subparagraph (3) of section 111 (b) in the development of such materials on terms of treatment equivalent to those afforded to the nationals of the country concerned, and (c) an agreed schedule of increased production of such materials where practicable in such participating countries and for delivery of an agreed percentage of such increased production to be transferred to the United States on a long-term basis in consideration of assistance furnished by the Administrator to such countries under this title; and

(10) submitting for the decision of the International Court of Justice or of any arbitral tribunal mutually agreed upon any case espoused by the United States Government involving compensation of a national of the United States for governmental measures affecting his property rights, including contracts with or concessions from such country.

(c) Notwithstanding the provisions of subsection (b) of this section, the Administrator, during the three months after the date of enactment of this Act, may perform with respect to any participating country any of the functions authorized under this title which

he may determine to be essential in furtherance of the purposes of this title, if (1) such country has signified its adherence to the purposes of this title and its intention to conclude an agreement pursuant to subsection (b) of this section, and (2) he finds that such country is complying with the applicable provisions of subsection (b) of this section: *Provided*, That, notwithstanding the provisions of this subsection, the Administrator may, through June 30, 1948, provide for the transfer of food, medical supplies, fibers, fuel, petroleum and petroleum products, fertilizer, pesticides, and seed to any country of Europe which participated in the Committee of European Economic Cooperation and which undertook pledges to the other participants therein, when the Administrator determines that the transfer of any such supplies to any such country is essential in order to make it possible to carry out the purposes of this title by alleviating conditions of hunger and cold and by preventing serious economic retrogression.

(d) The Administrator shall encourage the joint organization of the participating countries referred to in subsection (b) of this section to ensure that each participating country makes efficient use of the resources of such country, including any commodities, facilities, or services furnished under this title, by observing and reviewing such use through an effective follow-up system approved by the joint organization.

(e) The Administrator shall encourage arrangements among the participating countries in conjunction with the International Refugee Organization looking toward the largest practicable utilization of manpower available in any of the participating countries in furtherance of the accomplishment of the purposes of this title.

(f) The Administrator will request the Secretary of State to obtain the agreement of those countries concerned that such capital equipment as is scheduled for removal as reparations from the three western zones of Germany be retained in Germany if such retention will most effectively serve the purposes of the European recovery program.

(g) It is the understanding of the Congress that, in accordance with agreements now in effect, prisoners of war remaining in participating countries shall, if they so freely elect, be repatriated prior to January 1, 1949.

WESTERN HEMISPHERE COUNTRIES

SEC. 116. The President shall take appropriate steps to encourage all countries in the Western Hemisphere to make available to participating countries such assistance as they may be able to furnish.

OTHER DUTIES OF THE ADMINISTRATOR

SEC. 117. (a) The Administrator, in furtherance of the purposes of section 115 (b) (5), and in agreement with a participating country, shall, whenever practicable, promote, by means of funds made available for the purposes of this title, an increase in the production in such participating country of materials which are required by the United States as a result of deficiencies or potential deficiencies in the resources within the United States.

(b) The Administrator, in cooperation with the Secretary of Commerce, shall facilitate and encourage, through private and public

ance of the purposes of
adherence to the pur-
poses of the agreement
and he finds that
provisions of subsec-
notwithstanding the
or may, through June
medical supplies, fibers,
fertilizer, pesticides, and
mentioned in the Committee
which undertook pledges
the Administrator determines
each country is essential
purposes of this title
and by preventing

joint organization of
action (b) of this section
for the efficient use of the
commodities, facilities, or
equipment and reviewing such
provisions approved by the joint

arrangements among the
International Refugee
Commission for the utilization of
such commodities in further-
ance of this title.

The Secretary of State to obtain
such capital equipment
from the three western zones
entirely or in most effec-
tive manner.
In accordance
with the remaining in partici-
pating countries repatriated prior to

TRIES

to take steps to encourage
such commodities to be par-
ticipating countries to be able to furnish.

ADMINISTRATOR

ance of the purposes
of participating country,
of funds made avail-
able in the production in
countries are required by the
essential deficiencies in

The Secretary of Com-
merce private and public

travel, transport, and other agencies, the promotion and development
of travel by citizens of the United States to and within participating
countries.

(c) In order to further the efficient use of United States voluntary
contributions for relief in participating countries receiving assistance
under this title in the form of grants or any of the zones of occupation
of Germany for which assistance is provided under this title and the
Free Territory of Trieste or either of its zones, funds made available
for the purposes of this title shall be used insofar as practicable by the
Administrator, under rules and regulations prescribed by him, to pay
ocean freight charges from a United States port to a designated foreign
port of entry (1) of supplies donated to, or purchased by, United
States voluntary nonprofit relief agencies registered with and recom-
mended by the Advisory Committee on Voluntary Foreign Aid for
operations in Europe, or (2) of relief packages conforming to such
specified size, weight, and contents, as the Administrator may prescribe
originating in the United States and consigned to an individual resid-
ing in a participating country receiving assistance under this title in
the form of grants or any of the zones of occupation of Germany for
which assistance is provided under this title and the Free Territory
of Trieste or either of its zones. Where practicable the Administrator
is directed to make an agreement with such country for the use of a
portion of the deposit of local currency placed in a special account
pursuant to paragraph 6 of subsection (b) of section 115 of this title,
for the purpose of defraying the transportation cost of such supplies
and relief packages from the port of entry of such country to the desig-
nated shipping point of consignee. The Secretary of State, after con-
sultation with the Administrator, shall make agreements where prac-
ticable with the participating countries for the free entry of such
supplies and relief packages.

(d) The Administrator is directed to refuse delivery insofar as
practicable to participating countries of commodities which go into
the production of any commodity for delivery to any nonparticipating
European country which commodity would be refused export licenses
to those countries by the United States in the interest of national se-
curity. Whenever the Administrator believes that the issuance of a
license for the export of any commodity to any country wholly or
partly in Europe which is not a participating country is inconsistent
with the purposes and provisions of this title, he shall so advise the
department, agency, or officer in the executive branch of the Govern-
ment exercising the authority with respect to such commodity granted
to the President by section 6 of the Act of July 2, 1940 (54 Stat. 714),
as amended, and, if differences of view are not adjusted by consulta-
tion, the matter shall be referred to the President for final decision.

TERMINATION OF ASSISTANCE

SEC. 118. The Administrator, in determining the form and measure
of assistance provided under this title to any participating country,
shall take into account the extent to which such country is complying
with its undertakings embodied in its pledges to other participating
countries and in its agreement concluded with the United States under
section 115. The Administrator shall terminate the provision of
assistance under this title to any participating country whenever he

determines that (1) such country is not adhering to its agreement concluded under section 115, or is diverting from the purposes of this title assistance provided hereunder, and that in the circumstances remedial action other than termination will not more effectively promote the purposes of this title or (2) because of changed conditions, assistance is no longer consistent with the national interest of the United States. Termination of assistance to any country under this section shall include the termination of deliveries of all supplies scheduled under the aid program for such country and not yet delivered.

EXEMPTION FROM CONTRACT AND ACCOUNTING LAWS

Sec. 119. When the President determines it to be in furtherance of the purposes of this title, the functions authorized under this title may be performed without regard to such provisions of law regulating the making, performance, amendment, or modification of contracts and the expenditure of Government funds as the President may specify.

EXEMPTION FROM CERTAIN FEDERAL LAWS RELATING TO EMPLOYMENT

Sec. 120. Service of an individual as a member of the Public Advisory Board (other than the Administrator) created by section 107 (a), as a member of an advisory committee appointed pursuant to section 107 (b), as an expert or consultant under section 104 (e), or as an expert, consultant, or technician under section 124 (d), shall not be considered as service or employment bringing such individual within the provisions of section 109 or 113 of the Criminal Code (U. S. C., title 18, secs. 198 and 203), of section 190 of the Revised Statutes (U. S. C., title 5, sec. 99), or of section 19 (e) of the Contract Settlement Act of 1944, or of any other Federal law imposing restrictions, requirements, or penalties in relation to the employment of persons, the performance of services, or the payment or receipt of compensation in connection with any claim, proceeding, or matter involving the United States.

UNITED NATIONS

Sec. 121. (a) The President is authorized to request the cooperation of or the use of the services and facilities of the United Nations, its organs and specialized agencies, or other international organizations, in carrying out the purposes of this title, and may make payments, by advancements or reimbursements, for such purposes, out of funds made available for the purposes of this title, as may be necessary therefor, to the extent that special compensation is usually required for such services and facilities. Nothing in this title shall be construed to authorize the Administrator to delegate to or otherwise confer upon any international or foreign organization or agency any of his authority to decide the method of furnishing assistance under this title to any participating country or the amount thereof.

(b) The President shall cause to be transmitted to the Secretary General of the United Nations copies of reports to Congress on the operations conducted under this title.

(c) Any agreements concluded between the United States and participating countries, or groups of such countries, in implementa-

t
M
N

o
d
b
lc
w
su
m
w
m
tr
of
th
ac
su
th

de
de
th
es
th
be
th

th
ev
co
th
en
pr
of
ma
be,

mi
Co
po

ing to its agreement con-
 n the purposes of this
 t in circumstances
 ot more effectively pro-
 of changed conditions,
 ational interest of the
 any country under this
 es of all supplies sched-
 and not yet delivered.

UNTING LAWS

t to be in furtherance
 orized under this title
 sions of law regulating
 dification of contracts
 as the President may

TING TO EMPLOYMENT

member of the Public
 or) created by section
 ee appointed pursuant
 under section 104 (e),
 section 124 (d), shall
 nging such individual
 of the Criminal Code
 on 190 of the Revised
 19 (e) of the Contract
 law imposing restric-
 o the employment of
 ayment or receipt of
 pro 3, or matter

request the coopera-
 of the United Nations,
 ernational organiza-
 d may make payments,
 purposes, out of funds
 as may be necessary
 on is usually required
 is title shall be con-
 gate to or otherwise
 ization or agency any
 hing assistance under
 nount thereof.
 tted to the Secretary
 s to Congress on the

United States and
 tries, in implementa-

tion of the purposes of this title, shall be registered with the United Nations if such registration is required by the Charter of the United Nations.

TERMINATION OF PROGRAM

SEC. 122. (a) After June 30, 1952, or after the date of the passage of a concurrent resolution by the two Houses of Congress before such date, which declares that the powers conferred on the Administrator by or pursuant to subsection (a) of section 111 of this title are no longer necessary for the accomplishment of the purposes of this title, whichever shall first occur, none of the functions authorized under such provisions may be exercised; except that during the twelve months following such date commodities and services with respect to which the Administrator had, prior to such date, authorized procurement for, shipment to, or delivery in a participating country, may be transferred to such country, and funds appropriated under authority of this title may be obligated during such twelve-month period for the necessary expenses of procurement, shipment, delivery, and other activities essential to such transfer, and shall remain available during such period for the necessary expenses of liquidating operations under this title.

(b) At such time as the President shall find appropriate after such date, and prior to the expiration of the twelve months following such date, the powers, duties, and authority of the Administrator under this title may be transferred to such other departments, agencies, or establishments of the Government as the President shall specify, and the relevant funds, records, and personnel of the Administration may be transferred to the departments, agencies, or establishments to which the related functions are transferred.

REPORTS TO CONGRESS

SEC. 123. The President from time to time, but not less frequently than once every calendar quarter through June 30, 1952, and once every year thereafter until all operations under this title have been completed, shall transmit to the Congress a report of operations under this title, including the text of bilateral and multilateral agreements entered into in carrying out the provisions of this title. Reports provided for under this section shall be transmitted to the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, if the Senate or the House of Representatives, as the case may be, is not in session.

JOINT CONGRESSIONAL COMMITTEE

SEC. 124. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Foreign Economic Cooperation (hereinafter referred to as the committee), to be composed of ten members as follows:

(1) Three members who are members of the Committee on Foreign Relations of the Senate, two from the majority and one from the minority party, to be appointed by the chairman of the committee; two members who are members of the Committee on Appropriations of the Senate, one from the majority and one

from the minority party, to be appointed by the chairman of the committee; and

(2) Three members who are members of the Committee on Foreign Affairs of the House, two from the majority and one from the minority party, to be appointed by the chairman of the committee; and two members who are members of the Committee on Appropriations of the House, one from the majority and one from the minority party, to be appointed by the chairman of the committee.

A vacancy in the membership of the committee shall be filled in the same manner as the original selection. The committee shall elect a chairman from among its members.

(b) It shall be the function of the committee to make a continuous study of the programs of United States economic assistance to foreign countries, and to review the progress achieved in the execution and administration of such programs. Upon request, the committee shall aid the several standing committees of the Congress having legislative jurisdiction over any part of the programs of United States economic assistance to foreign countries; and it shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. The Administrator, at the request of the committee, shall consult with the committee from time to time with respect to his activities under this Act.

(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this subsection.

(d) The committee is authorized to appoint and, without regard to the Classification Act of 1923, as amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman.

SEPARABILITY CLAUSE

SEC. 125. If any provision of this Act or the application of such provision to any circumstances or persons shall be held invalid, the validity of the remainder of the Act and the applicability of such provision to other circumstances or persons shall not be affected thereby.

TITLE II

SEC. 201. This title may be cited as the "International Children's Emergency Fund Assistance Act of 1948".

ca
th

af
to
pu
th
se
E
E
of

su
(s
th
su
fo

tic
or
th

A
ur
10
\$2

19
"C
to
to
ar
st
ti

by
22
in

by the chairman of the

of committee on
 ma. and one from
 e chairman of the com-
 rs of the Committee on
 the majority and one
 by the chairman of the

ee shall be filled in the
 committee shall elect a

e to make a continuous
 nic assistance to foreign
 d in the execution and
 est, the committee shall
 ongress having legisla-
 -ams of United States
 it shall make a report
 ves, from time to time,
 with such recommenda-
 -istrator, at the request
 ittee from time to time

subcommittee thereof,
 l act at such times and
 he attendance of such
 papers, and documents,
 nony, to procure such
 penditures as it deems
 to report such hearings
 words. The provisions
 ed S. shall apply
 ly by subpena or
 this section.

at and, without regard
 fix the compensation of
 anizations thereof, and
 necessary and advisable.
 ropriated such sums as
 s of this section, to be
 vouchers signed by the

he application of such
 all be held invalid, the
 e applicability of such
 shall not be affected

International Children's

SEC. 202. It is the purpose of this title to provide for the special care and feeding of children by authorizing additional moneys for the International Children's Emergency Fund of the United Nations.

SEC. 203. The President is hereby authorized and directed any time after the date of the enactment of this Act and before July 1, 1949, to make contributions (a) from sums appropriated to carry out the purposes of this title and (b) from sums appropriated to carry out the general purposes of the proviso in the first paragraph of the first section of the joint resolution of May 31, 1947 (Public Law 84, Eightieth Congress), as amended, to the International Children's Emergency Fund of the United Nations for the special care and feeding of children.

SEC. 204. No contribution shall be made pursuant to this title or such joint resolution of May 31, 1947, which would cause the sum of (a) the aggregate amount contributed pursuant to this title and (b) the aggregate amount contributed by the United States pursuant to such joint resolution of May 31, 1947, to exceed whichever of the following sums is the lesser:

(1) 72 per centum of the total resources contributed after May 31, 1947, by all governments, including the United States, for programs carried out under the supervision of such Fund: *Provided*, That in computing the amount of resources contributed there shall not be included contributions by any government for the benefit of persons located within the territory of such contributing government; or

(2) \$100,000,000.

SEC. 205. Funds appropriated for the purposes of such joint resolution of May 31, 1947, shall remain available through June 30, 1949.

SEC. 206. There is hereby authorized to be appropriated to carry out the purposes of this title for the fiscal year ending June 30, 1949, the sum of \$60,000,000.

TITLE III

SEC. 301. This title may be cited as the "Greek-Turkish Assistance Act of 1948".

SEC. 302. In addition to the amounts authorized to be appropriated under subsection (b) of section 4 of the Act of May 22, 1947 (61 Stat. 103), there are hereby authorized to be appropriated not to exceed \$275,000,000 to carry out the provisions of such Act, as amended.

SEC. 303. (a) Subsection (a) of section 4 of such Act of May 22, 1947, is hereby amended by adding at the end thereof the following: "The Reconstruction Finance Corporation is authorized and directed to make additional advances, not to exceed in the aggregate \$50,000,000, to carry out the provisions of this Act, as amended, in such manner and in such amounts as the President shall determine. No interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation for this purpose."

(b) Subsection (b) of section 4 of the said Act is hereby amended by inserting after the word "repaid" the following: "without interest".

SEC. 304. Subsections (2) and (3) of section 1 of such Act of May 22, 1947, are hereby amended to permit detailing of persons referred to in such subsections to the United States Missions to Greece and Turkey

as well as to the governments of those countries. Section 302 of the Act of January 27, 1948 (Public Law 402, Eightieth Congress), and section 110 (c) of the Economic Cooperation Act of 1948 (relating to investigations of personnel by the Federal Bureau of Investigation) shall be applicable to any person so detailed pursuant to such subsection (2) of such Act of 1947: *Provided*, That any military or civilian personnel detailed under section 1 of such Act of 1947 may receive such station allowances or additional allowances as the President may prescribe (and payments of such allowances heretofore made are hereby validated).

TITLE IV

Sec. 401. This title may be cited as the "China Aid Act of 1948".

Sec. 402. Recognizing the intimate economic and other relationships between the United States and China, and recognizing that disruption following in the wake of war is not contained by national frontiers, the Congress finds that the existing situation in China endangers the establishment of a lasting peace, the general welfare and national interest of the United States, and the attainment of the objectives of the United Nations. It is the sense of the Congress that the further evolution in China of principles of individual liberty, free institutions, and genuine independence rests largely upon the continuing development of a strong and democratic national government as the basis for the establishment of sound economic conditions and for stable international economic relationships. Mindful of the advantages which the United States has enjoyed through the existence of a large domestic market with no internal trade barriers, and believing that similar advantages can accrue to China, it is declared to be the policy of the people of the United States to encourage the Republic of China and its people to exert sustained common efforts which will speedily achieve the internal peace and economic stability in China which are essential for lasting peace and prosperity in the world. It is further declared to be the policy of the people of the United States to encourage the Republic of China in its efforts to maintain the genuine independence and the administrative integrity of China, and to sustain and strengthen principles of individual liberty and free institutions in China through a program of assistance based on self-help and cooperation: *Provided*, That no assistance to China herein contemplated shall seriously impair the economic stability of the United States. It is further declared to be the policy of the United States that assistance provided by the United States under this title should at all times be dependent upon cooperation by the Republic of China and its people in furthering the program: *Provided further*, That assistance furnished under this title shall not be construed as an express or implied assumption by the United States of any responsibility for policies, acts, or undertakings of the Republic of China or for conditions which may prevail in China at any time.

Sec. 403. Aid provided under this title shall be provided under the applicable provisions of the Economic Cooperation Act of 1948 which are consistent with the purposes of this title. It is not the purpose of this title that China, in order to receive aid hereunder, shall adhere to a joint program for European recovery.

s. Section 302 of the Act
 ieth (), and sec-
 Act (relating to
 ure (investigation)
 pursuant to such subsec-
 any military or civilian
 of 1947 may receive such
 the President may pre-
 tofore made are hereby

"China Aid Act of 1948".
 nic and other relation-
 , and recognizing that
 t contained by national
 ing situation in China
 ce, the general welfare
 d the attainment of the
 sense of the Congress
 es of individual liberty,
 rests largely upon the
 cratic national govern-
 nd economic conditions
 ships. Mindful of the
 d through the existence
 de barriers, and believ-
 na, it is declared to be
 encourage the Republic
 mon efforts which will
 mic stability in China
 osp in the world.
 p of the United
 its s to maintain
 ive integrity of China,
 ividual liberty and free
 sistence based on self-
 stance to China herein
 omic stability of the
 e policy of the United
 States under this title
 ation by the Republic
 am: *Provided further*,
 all not be construed
 United States of any
 gs of the Republic of
 hina at any time.
 be provided under the
 ion Act of 1948 which
 t is not the purpose of
 under, shall adhere to

SEC. 404. (a) In order to carry out the purposes of this title, there is hereby authorized to be appropriated to the President for aid to China a sum not to exceed \$338,000,000 to remain available for obligation for the period of one year following the date of enactment of this Act.

(b) There is also hereby authorized to be appropriated to the President a sum not to exceed \$125,000,000 for additional aid to China through grants, on such terms as the President may determine and without regard to the provisions of the Economic Cooperation Act of 1948, to remain available for obligation for the period of one year following the date of enactment of this Act.

SEC. 405. An agreement shall be entered into between China and the United States containing those undertakings by China which the Secretary of State, after consultation with the Administrator for Economic Cooperation, may deem necessary to carry out the purposes of this title and to improve commercial relations with China.

SEC. 406. Notwithstanding the provisions of any other law, the Reconstruction Finance Corporation is authorized and directed, until such time as an appropriation is made pursuant to section 404, to make advances, not to exceed in the aggregate \$50,000,000, to carry out the provisions of this title in such manner and in such amounts as the President shall determine. From appropriations authorized under section 404, there shall be repaid without interest to the Reconstruction Finance Corporation the advances made by it under the authority contained herein. No interest shall be charged on advances made by the Treasury to the Reconstruction Finance Corporation in implementation of this section.

SEC. 407. (a) The Secretary of State, after consultation with the Administrator, is hereby authorized to conclude an agreement with China establishing a Joint Commission on Rural Reconstruction in China, to be composed of two citizens of the United States appointed by the President of the United States and three citizens of China appointed by the President of China. Such Commission shall, subject to the direction and control of the Administrator, formulate and carry out a program for reconstruction in rural areas of China, which shall include such research and training activities as may be necessary or appropriate for such reconstruction: *Provided*, That assistance furnished under this section shall not be construed as an express or implied assumption by the United States of any responsibility for making any further contributions to carry out the purposes of this section.

(b) Insofar as practicable, an amount equal to not more than 10 per centum of the funds made available under subsection (a) of section 404 shall be used to carry out the purposes of subsection (a) of this section. Such amount may be in United States dollars, proceeds in Chinese currency from the sale of commodities made available to China with funds authorized under subsection (a) of section 404, or both.

Approved April 3, 1948.