

EX. ORD. NO. 9937. DELEGATION OF PRESIDENT'S AUTHORITY TO AGENCIES PARTICIPATING IN THE PHILIPPINE RECOVERY PROGRAM

Ex. Ord. No. 9937, Mar. 20, 1948, 13 F.R. 1503 as amended by act June 30, 1949, ch. 288, title I, §103(a), 63 Stat. 380; 1949 Reorg. Plan No. 7, §2, eff. Aug. 19, 1949, 14 F.R. 5228, 63 Stat. 1070; 1950 Reorg. Plan No. 21, eff. May 24, 1950, 15 F.R. 3178, 64 Stat. 1273, provided:

By virtue of the authority vested in me by the Constitution and the statutes, and as President of the United States, it is hereby ordered as follows:

The Commissioner of Public Roads of the Department of Commerce, the Chief of Engineers of the United States Army, the Philippine War Damage Commission, the Surgeon General of the Public Health Service of the Federal Security Agency [now the Department of Health and Human Services], the Maritime Administration, the Director of the Fish and Wildlife Service [now the United States Fish and Wildlife Service] of the Department of the Interior, and the Administrator of Civil Aeronautics, the Chief of the Weather Bureau [now the National Weather Service], and the Director of the Coast and Geodetic Survey [now the National Ocean Survey] of the Department of Commerce are hereby authorized, as to their respective agencies, to exercise the authority vested in the President by section 4 of the Philippine Property Act of 1946 (60 Stat. 419) [this section]: *Provided*, that this authority shall be exercised only with respect to property located in the Philippines in the possession and control of the respective agencies and utilized in carrying out the provisions of Title III of the Philippine Rehabilitation Act of 1946 (60 Stat. 135) [sections 1781 to 1789 of Title 50, Appendix, War and National Defense].

§ 1384. Transfer of shares of corporations owning agricultural lands; consideration; indemnification

Immediately upon passage of this subchapter the Alien Property Custodian of the United States shall enter into an agreement with the President of the Philippines to transfer to the Philippine Government for a nominal cash consideration all shares now vested or hereafter vested by the Alien Property Custodian of corporations owning in fee, leasing, or otherwise operating or controlling agricultural lands in the Philippines, other agricultural lands in the Philippines, vested or hereafter vested by the Alien Property Custodian not included in the foregoing, and improved property in Manila vested or hereafter vested by the Alien Property Custodian which in his judgment is urgently needed for the operation of an administrative agency of the Philippine Government: *Provided*, That in respect to property transferred under this section to the Philippine Government, it shall be made a part of the agreement that the Philippine Government shall fully indemnify the United States for all claims payable under the Trading With the Enemy Act, as amended, and for all such costs and expenses of administration as may by law be charged against such property or proceeds thereof.

(July 3, 1946, ch. 536, §5, 60 Stat. 419.)

REFERENCES IN TEXT

The Trading With the Enemy Act, as amended, referred to in text, is act Oct. 6, 1917, ch. 106, 40 Stat. 411, as amended, which is classified to sections 1 to 6, 7 to 39 and 41 to 44 of Title 50, Appendix, War and National Defense. For complete classification of this Act to the Code, see Tables.

TRANSFER OF ALIEN PROPERTY CUSTODIAN FUNCTIONS

Functions of Alien Property Custodian and Office of Alien Property Custodian, except those relating to property or interests in Philippines, vested in Attorney General. See notes set out under section 6 of Title 50, Appendix, War and National Defense.

§ 1385. Ownership of naval reservations, diplomatic property, etc., unaffected

Nothing contained in this subchapter shall be construed as amending the provisions of the Act of March 24, 1934 (48 Stat. 456), as amended, respecting naval reservations and fueling stations, and diplomatic or consular property, and the property of the High Commissioner to the Philippine Islands, nor as amending the provisions of section 1392 of this title, respecting bases for the mutual protection of the Philippine Islands and the United States.

(July 3, 1946, ch. 536, §6, 60 Stat. 419.)

REFERENCES IN TEXT

Act of March 24, 1934, as amended, referred to in text, is act Mar. 24, 1934, ch. 84, 48 Stat. 456, as amended, which enacted sections 1281a, 1391, 1393 to 1395 of this title, and section 1248 of Title 48, Territories and Insular Possessions, amended sections 1231 to 1234, 1237, 1238, 1239, 1241 to 1243, 1245, and 1247, of Title 48, and enacted a provision set out as a note under section 1391 of this title. For complete classification of this Act to the Code, see Tables.

§ 1386. Definitions

For the purposes of this subchapter the term "Philippine Government" shall mean "Government of the Commonwealth of the Philippines" until the date of independence, and thereafter it shall mean the "Government of the Republic of the Philippines".

(July 3, 1946, ch. 536, §7, 60 Stat. 420.)

REFERENCES IN TEXT

Date of independence, referred to in text, was July 4, 1946 as recognized by 1946 Proc. No. 2695, eff. July 4, 1946, set out as a note under section 1394 of this title.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

§ 1391. Transfer of property and rights to Philippine Commonwealth

All the property and rights which may have been acquired in the Philippine Islands by the United States under the treaties mentioned in the first section of this Act, except such land or other property as has heretofore been designated by the President of the United States for Military and other reservations of the Government of the United States, and except such land or other property or rights or interests therein as may have been sold or otherwise disposed of in accordance with law, are granted to the government of the Commonwealth of the Philippine Islands when constituted.

(Mar. 24, 1934, ch. 84, §5, 48 Stat. 459.)

REFERENCES IN TEXT

Treaties mentioned in the first section of this Act, referred to in text, were treaty of peace between the United States and Spain of December 10, 1898, and treaty between Spain and the United States concluded at Washington, Nov. 7, 1900.

The first section of this Act, referred to in text, is section 1 of act Mar. 24, 1934, which was classified to section 1231 of Title 48, Territories and Insular Possessions, and was omitted from the Code.

Since their independence, the Philippine Islands have been a republic, and are no longer designated as a "Commonwealth", referred to in text. See note below.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in act Jan. 17, 1933, ch. 11, § 5, 47 Stat. 764.

SEPARABILITY

Section 16 of act Mar. 24, 1934, provided: "If any provision of this Act [enacting this section and sections 1281a, 1393 to 1395 of this title, amending sections 1231 to 1234, 1237 to 1239, 1241 to 1243, 1245, 1247, and 1248 of Title 48, Territories and Insular Possessions] is declared unconstitutional or the applicability thereof to any person or circumstances is held invalid, the validity of the remainder of the act and the applicability of such provisions and circumstances shall not be affected thereby."

PHILIPPINE INDEPENDENCE

Philippine Islands granted independence by Proc. No. 2695, which is set out as a note under section 1394 of this title.

§ 1392. Acquisition of military and naval bases by United States

After negotiation with the President of the Commonwealth of the Philippines, or the President of the Filipino Republic, the President of the United States is authorized by such means as he finds appropriate to withhold or to acquire and to retain such bases, necessary appurtenances to such bases, and the rights incident thereto, in addition to any provided for by the Act of March 24, 1934, as he may deem necessary for the mutual protection of the Philippine Islands and of the United States.

(June 29, 1944, ch. 322, § 2, 58 Stat. 626.)

REFERENCES IN TEXT

Act of March 24, 1934, as amended, referred to in text, is act Mar. 24, 1934, ch. 84, 48 Stat. 456, as amended, which enacted sections 1281a, 1391, 1393 to 1395 of this title, and section 1248 of Title 48, Territories and Insular Possessions, amended sections 1231 to 1234, 1237, 1238, 1239, 1241 to 1243, 1245, and 1247 of Title 48, and enacted a provision set out as a note under section 1391 of this title. For complete classification of this Act to the Code, see Tables.

PHILIPPINE INDEPENDENCE

Philippine Islands granted independence by Proc. No. 2695, which is set out as a note under section 1394 of this title, and they now constitute a republic.

§ 1393. Supplementary sinking fund for bond payments; purchase of bonds by United States; creation of special trust account

(a) to (f). Repealed. Apr. 30, 1946, ch. 244, title V, § 511(2), 60 Stat. 158.

(g)(1) The Philippine Government shall pay to the Secretary of the Treasury of the United States, at the end of each calendar quarter, all of the moneys received during such quarter from export taxes (less refunds), imposed and collected in accordance with the provisions of this section, and said moneys shall be deposited in an account with the Treasurer of the United States and shall constitute a supplementary

sinking fund for the payment of bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress: *Provided, however*, That moneys received from any export tax imposed on any article which is shipped from the Philippines to the United States prior to July 4, 1946, and which is entered, or withdrawn from warehouse for consumption, on or after July 4, 1946, shall be refunded by the independent Government of the Philippines.

(2) The said Secretary of the Treasury is authorized to accept the deposits of the proceeds of the export taxes referred to in subdivision (1) of this subsection in accordance with section 1333¹ of this title.

(3) The Secretary of the Treasury of the United States, with the approval of the Philippine Government, is authorized to purchase with such supplementary sinking-fund bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress and to invest such fund in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States. Whenever the Secretary of the Treasurer² finds that such fund is in excess of an amount adequate to meet future interest and principal payments on all such bonds, he may, with the approval of the Philippine Government, purchase with such excess any other bonds of the Philippines, its Provinces, cities, municipalities, and instrumentalities. For the purpose of this subsection obligations may be acquired on original issue at par, or by purchase of outstanding obligations at the market price. Any obligations acquired by the fund may, with the approval of the Philippine Government, be sold by the Secretary of the Treasury at the market price and the proceeds of such sale and the proceeds of the payment upon maturity or redemption of any obligations held in the supplementary sinking fund, as well as all moneys in any manner earned by such fund or on any obligations acquired by said fund, shall be paid into the said fund.

(4) During the three months preceding July 4, 1946, the Philippine Government and the Secretary of the Treasury of the United States shall confer to ascertain that portion of the bonds of the Philippines, its Provinces, cities, and municipalities, issued prior to May 1, 1934, under authority of Acts of Congress, which will remain outstanding on July 4, 1946; and the Philippine Government shall turn over to the Secretary of the Treasury of the United States for destruction all such bonds that are then held, canceled, or uncanceled, in any of the sinking funds maintained for the payment of such bonds. After such outstanding portion of this indebtedness is thus determined, and before July 4, 1946, (i) there shall be set up with the Treasurer of the United States a special trust account in the name of the Secretary of the Treasury of the United States to pay future interest and principal payments on such bonds; (ii) the Philippine Government shall pay to the Secretary of the Treasury of the United States for deposit in this special

¹ See References in Text note below.

² So in original. Probably should be "Treasury".