

of the Philippines concerning trade and other related matters during a transitional period following the institution of Philippine Independence on July 4, 1946, which agreement by the terms of Article XI thereof, was to have no effect after July 3, 1974.

#### MODIFICATION OF TEXT OF REVISED AGREEMENT

Act Aug. 1, 1955, ch. 438, title II, § 202, 69 Stat. 425, provided that the text of the revised agreement between the United States and the Republic of the Philippines concerning trade and other related matters during a transitional period after Philippine independence was to be modified only to the extent necessary to correct errors or references to laws, to reflect executive or legislative action taken by the Philippines, or merely as changes in style.

#### DUTY-FREE TREATMENT FOR SCRAP TOBACCO AND FILLER TOBACCO

Pub. L. 87-47, June 16, 1961, 75 Stat. 92, provided that the duty-free treatment for scrap tobacco and filler tobacco described in item B in the schedule to paragraph 2 of article II of the agreement between the United States and the Republic of the Philippines concerning trade and other related matters during a transitional period after Philippine independence, as revised, was to apply only to articles certified by the Philippines as having been allocated for exportation to the United States free of duty under that paragraph.

### § 1373. Suspension of Philippine Trade Act of 1946

The Philippine Trade Act of 1946 [22 U.S.C. 1251 et seq.] (except section 506(a) of this title [22 U.S.C. 1356] relating to termination of payments into Philippine Treasury, and except amendments and repeals made by such Act) shall not apply during such time as the revised agreement is in effect.

(Aug. 1, 1955, ch. 438, title III, § 302, 69 Stat. 426.)

#### REFERENCES IN TEXT

The Philippine Trade Act of 1946, referred to in text, is act Apr. 30, 1946, ch. 244, 60 Stat. 141, which is classified principally to subchapters I to IV of this chapter. Subchapters I, II, and III of this chapter were omitted from the Code. For complete classification of this Act to the Code, see Short Title note set out under section 1354 of this title and Tables.

The revised agreement, referred to in text, was set out as a note under section 1371 of this title.

#### EFFECTIVE DATE

Act Aug. 1, 1955, ch. 438, title III, § 301(b), 69 Stat. 426, provided that: "The provisions of this title [enacting sections 1373 to 1379 of this title and amending section 734 of Title 48, Territories and Insular Possessions] shall take effect on January 1, 1956, but only if the President of the United States has made the proclamation referred to in subsection (a) [section 1379 of this title]."

#### SHORT TITLE

Act Aug. 1, 1955, ch. 438, title I, § 1, 69 Stat. 413, provided that: "This Act [enacting this subchapter and amending section 734 of Title 48, Territories and Insular Possessions] may be cited as the 'Philippine Trade Agreement Revision Act of 1955'."

### §§ 1374 to 1379. Omitted

#### CODIFICATION

Section 1374, act Aug. 1, 1955, ch. 438, title III, § 303, 69 Stat. 426, related to quotas established by article III of the revised agreement. See Codification note for section 1371 of this title.

Section 1375, act Aug. 1, 1955, ch. 438, title III, § 304, 69 Stat. 426, related to suspension of processing tax on coconut oil. See Codification note for section 1371 of this title.

Section 1376, act Aug. 1, 1955, ch. 438, title III, § 305, 69 Stat. 426, provided that prior to July 4, 1974, no trade agreement be entered into with Republic of Philippines that would be inconsistent with this subchapter or revised agreement. See Codification note for section 1371 of this title.

Section 1377, act Aug. 1, 1955, ch. 438, title III, § 306, 69 Stat. 426, related to rights of third countries to benefits granted Philippines by revised agreement. See Codification note for section 1371 of this title.

Section 1378, act Aug. 1, 1955, ch. 438, title III, § 307, 69 Stat. 426, related to administration of revised agreement. See Codification note for section 1371 of this title.

Section 1379, act Aug. 1, 1955, ch. 438, title III, § 301(a), 69 Stat. 426, related to effective date of revised agreement. See Codification note for section 1371 of this title.

#### SUBCHAPTER V—PROPERTY RETAINED BY THE UNITED STATES

### § 1381. Retention by United States of title to real and personal property

There shall remain vested in the Government of the United States or its agencies or instrumentalities all the right, title, and interest of the said Government or its agencies or instrumentalities to all real and personal property within the Philippine Islands as may now be vested in, or later be acquired by the Government of the United States or any of its agencies or instrumentalities.

(July 3, 1946, ch. 536, § 2, 60 Stat. 418.)

#### SHORT TITLE

Act July 3, 1946, ch. 536, § 1, 60 Stat. 418, provided that: "This Act [enacting this subchapter] may be cited as the 'Philippine Property Act of 1946'."

### § 1382. Administration of the Trading With the Enemy Act in Philippines

The Trading With the Enemy Act of October 6, 1917 (40 Stat. 411), as amended, shall continue in force in the Philippines after July 4, 1946, and all powers and authority conferred upon the President of the United States or the Alien Property Custodian by the terms of the said Trading With the Enemy Act, as amended, with respect to the Philippines, shall continue thereafter to be exercised by the President of the United States, or such officer or agency as he may designate: *Provided*, That all property vested in or transferred to the President of the United States, the Alien Property Custodian, or any such officer or agency as the President of the United States may designate under the Trading With the Enemy Act, as amended, which was located in the Philippines at the time of such vesting, or the proceeds thereof, and which shall remain after the satisfaction of any claim payable under the Trading With the Enemy Act, as amended, and after the payment of such costs and expenses of administration as may by law be charged against such property or proceeds, shall be transferred by the President of the United States to the Republic of the Philippines: *Provided further*, That such property, or proceeds thereof, may be transferred by the President of

the United States to the Republic of the Philippines upon indemnification acceptable to the President of the United States by the Republic of the Philippines for such claims, costs, and expenses of administration as may by law be charged against such property or proceeds thereof before final adjudication of such claims, costs, and expenses of administration: *Provided further*, That the courts of first instance of the Republic of the Philippines are given jurisdiction to make and enter all such rules as to notice or otherwise, and all such orders and decrees, and to issue such process as may be necessary and proper in the premises to enforce any orders, rules, and regulations issued by the President of the United States, the Alien Property Custodian, or such officer or agency designated by the President of the United States pursuant to the Trading With the Enemy Act, as amended, with such right of appeal therefrom as may be provided by law: *And provided further*, That any suit authorized under the Trading With the Enemy Act, as amended, with respect to property vested in or transferred to the President of the United States, the Alien Property Custodian, or any officer or agency designated by the President of the United States hereunder, which at the time of such vesting or transfer was located within the Philippines, shall after July 4, 1946, be brought, in the appropriate court of first instance of the Republic of the Philippines, against the officer or agency hereunder designated by the President of the United States with such right of appeal therefrom as may be provided by law, but suits with respect to such property shall after ninety days from December 21, 1950, be brought only in the courts of the United States.

(July 3, 1946, ch. 536, §3, 60 Stat. 418; Dec. 21, 1950, ch. 1144, 64 Stat. 1116.)

#### REFERENCES IN TEXT

The Trading With the Enemy Act of October 6, 1917, 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.

#### AMENDMENTS

1950—Act Dec. 21, 1950, required that 90 days after Dec. 21, 1950, all suits against the Philippine Alien Property Administration be brought in United States courts instead of in Philippine courts.

#### TERMINATION OF PHILIPPINE ALIEN PROPERTY ADMINISTRATION; TRANSFER OF FUNCTIONS

Section 101 of act Sept. 6, 1950, ch. 896, Ch. VIII, title I, 64 Stat. 699, provided in part that the Philippine Alien Property Administration cease to exist after June 30, 1951, and all duties performed by such Administration as of that date be transferred to the Office of Alien Property Custodian, including all records, files, and other property.

#### EXECUTIVE ORDER No. 9789

Ex. Ord. No. 9789, Oct. 14, 1946, 11 F.R. 11981, related to the establishment of the Philippine Alien Property Administration, and was superseded by Ex. Ord. No. 9818, formerly set out below.

#### EXECUTIVE ORDER No. 9818

Ex. Ord. No. 9818, Jan. 7, 1947, 12 F.R. 133, amended Oct. 15, 1949, ch. 695, §5(a), 63 Stat. 880, related to the

establishment of the Philippine Alien Property Administration, and was omitted under the authority of Ex. Ord. No. 10254, set out below, which terminated the Administration.

#### EXECUTIVE ORDER No. 9876

Ex. Ord. No. 9876, July 24, 1947, 12 F.R. 4981, authorized the delegation of certain presidential functions to the Philippine Alien Property Administrator and was omitted in view of Ex. Ord. No. 10254, set out below, which terminated the Administration.

#### EXECUTIVE ORDER No. 9921

Ex. Ord. No. 9921, Jan 10, 1948, 13 F.R. 171, authorized the Philippine Alien Property Administrator to transfer certain property to the Republic of the Philippines, and was omitted under the authority of Ex. Ord. No. 10254, set out below, which terminated the Alien Property Administration.

#### EX. ORD. NO. 10254. TERMINATION OF PHILIPPINE ALIEN PROPERTY ADMINISTRATION AND TRANSFER OF FUNCTIONS TO DEPARTMENT OF JUSTICE

Ex. Ord. No. 10254, June 15, 1951, 16 F.R. 5829, provided:

1. The Philippine Alien Property Administration, established by Executive Order No. 9818 of January 7, 1947 [formerly set out as note under this section], is hereby terminated. All authority, rights, privileges, powers, duties, and functions vested in such Administration or in the Philippine Alien Property Administrator or transferred or delegated thereto are hereby vested in or transferred or delegated to the Attorney General, as the case may be, and shall be administered by him or under his direction and control by such officers and agencies of the Department of Justice as he may designate.

2. All property or interests vested in or transferred to the Philippine Alien Property Administration or the Administrator thereof, and all proceeds thereof, which are held or administered by the Philippine Alien Property Administration or the Administrator thereof are hereby transferred to the Attorney General of the United States.

3. All personnel, records, files, furniture, funds, authorizations, equipment, and supplies of the Philippine Alien Property Administration are hereby transferred to the Department of Justice.

4. All necessary expenses incurred in the administration or operation of the functions, duties, authority, rights, privileges, and powers hereby vested in or transferred or delegated to the Attorney General shall be paid, to the extent permitted and in the manner prescribed by law, from funds or property or interests vested in or transferred to the Attorney General by or pursuant to the authority contained in this order, so as to prevent diminution of funds otherwise available for the War Claims Fund under section 39 of the Trading with the Enemy Act, as amended by section 12 of the act of July 3, 1948, 62 Stat. 1246 [section 39 of Title 50, Appendix, War and National Defense].

This order shall become effective at the close of business in Washington, D.C., on June 29, 1951, and shall at that time supersede all prior Executive orders to the extent that they are in conflict with this order.

HARRY S TRUMAN.

#### 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.

#### § 1383. Transfer of property by President of United States

In respect to property not transferable to the Republic of the Philippines under section 1382 of this title, the President of the United States is