

within the United States for such offenses as shall lie within the jurisdiction of the service courts of such friendly foreign force: *Provided*, That the trial of any member of such friendly foreign force for an offense against a member of the civilian population shall be in open court (except where security consideration forbids), shall take place promptly in the United States and within a reasonable distance from the place where the offense is alleged to have been committed, for the convenience of witnesses.

(June 30, 1944, ch. 326, § 2, 58 Stat. 643.)

### § 703. Attendance of witnesses

#### (a) Subpoena; contempt; fees

Any district court of the United States, or the United States courts of any Territory or possession, within the jurisdiction of which proceedings are had before any service court of a friendly foreign force, or within the jurisdiction of which any person is found, shall have jurisdiction, upon application made by a service court of a friendly foreign force, to issue to such person an order requiring him to appear before the service court or an officer designated to take a deposition for use before such service court and there to produce evidence or give testimony if so ordered. Any failure to obey such order of the court may be punished by said court as a contempt thereof: *Provided*, That the fees of such witnesses and the mileage at the rate allowed to witnesses attending the courts of the United States should be duly paid or tendered in advance to such witnesses, with funds to be supplied by the friendly foreign force. Except as expressly permitted by the court, in its discretion, no such order shall run into any other district.

#### (b) Members of armed forces

Attendance of witnesses in the armed services of the United States shall be obtained by request addressed to the discretion of the commanding officer of the person whose testimony is required.

#### (c) False testimony; punishment

Persons subject to the jurisdiction of the United States, who are not members of a friendly foreign force, who shall give false testimony or shall commit any act in the presence of a service court of a friendly foreign force which, if committed before a court of the United States, would be in contempt thereof, shall upon conviction by a court of the United States be fined not more than \$2,000 or imprisoned for not more than six months, or both.

(June 30, 1944, ch. 326, § 3, 58 Stat. 644; Proc. No. 2695, July 4, 1946, 11 F.R. 7517, 60 Stat. 1352.)

#### CODIFICATION

In subsec. (a), reference to “or any court of first instance of the Philippine Commonwealth” omitted pursuant to Proc. No. 2695, which granted independence to the Philippines under the authority of section 1394 of this title, under which section said Proc. No. 2695 is set out as a note.

In subsec. (a), reference to “the District Court of the United States for the District of Columbia” omitted because the District of Columbia constitutes a judicial district, and the District Court of the United States for the District of Columbia is included within the term

“district courts of the United States” as used in such subsection. See sections 88 and 132 of Title 28, Judiciary and Judicial Procedure.

### § 704. Immunities of courts and witnesses

Members of any service court of a friendly foreign force lawfully exercising jurisdiction in the United States in relation to members of such force, and any witnesses appearing before such service court, shall enjoy the same immunities and privileges as are enjoyed by members of a court martial of the United States and by witnesses appearing before such a court martial.

(June 30, 1944, ch. 326, § 4, 58 Stat. 644.)

### § 705. Imprisonment

Persons sentenced to imprisonment by a service court of a friendly foreign force may be confined in disciplinary barracks, guardhouses, or other places of detention of the United States armed forces or in penitentiaries or other institutions employed by the United States for the detention or treatment of prisoners, at the expense of the state on whose behalf the prisoner is detained.

(June 30, 1944, ch. 326, § 5, 58 Stat. 644.)

### § 706. Operative effect dependent upon Presidential finding

This chapter shall be operative with respect to the military, naval, or air forces of any foreign state only after a finding and declaration by the President that the powers and privileges provided herein are necessary for the maintenance of discipline. The President may at any time revoke such finding and declaration.

(June 30, 1944, ch. 326, § 6, 58 Stat. 645.)

#### PROCLAMATION No. 2626

Proc. No. 2626, Oct. 12, 1944, 9 F.R. 12403, respecting activation by President, was revoked by Proc. No. 3107, Aug. 9, 1955, 20 F.R. 5805.

## CHAPTER 14—FOREIGN SERVICE

### REPEAL OF CHAPTER

*Pub. L. 96-465, title II, § 2205, Oct. 17, 1980, 94 Stat. 2159, repealed the Foreign Service Act of 1946 and related and miscellaneous provisions classified to this chapter. Pursuant to section 2403 of Pub. L. 96-465, set out as a note under section 3901 of this title, Pub. L. 96-465 is effective, except as otherwise provided, on Feb. 15, 1981. Notwithstanding repeal, however, of the provisions of this chapter, section 4172 of this title continues in force and effect the Foreign Service Act of 1946 and any other law repealed, modified, or affected by Pub. L. 96-465 for the purposes enumerated in such section 4172.*

### REVISION OF LAWS

Congress by the enactment of the Foreign Service Act of 1980, Pub. L. 96-465, Oct. 17, 1980, 94 Stat. 2071, classified principally to chapter 52 (§3901 et seq.) of this title, consolidated and revised the laws relating to the administration, etc., of the Foreign Service.

Prior to the enactment of the Foreign Service Act of 1980, the Foreign Service Act of 1946 and related and miscellaneous provisions, which governed the Foreign Service, were classified to this chapter. Some former provisions of this chapter, prior to the enactment of the Foreign Service Act of 1946, had similar and related provisions classified to former chapter 1 of this title as follows: