

TITLE 22.—FOREIGN RELATIONS AND INTERCOURSE

Chapter 1.—DIPLOMATIC AND CONSULAR SERVICE GENERALLY

ORGANIZATION OF FOREIGN SERVICE OF UNITED STATES

§ 4. Appointment of Foreign Service officers as diplomatic secretaries or as consular officers; official acts under respective commissions. All appointments and promotions of Foreign Service officers shall be made by the President by and with the advice and consent of the Senate and such officers may be commissioned as diplomatic or consular officers or both: *Provided*, That Foreign Service officers now or hereafter appointed or promoted during a recess of the Senate shall be paid the compensation of the position to which appointed or promoted from the date of such appointment or promotion until the end of the next session of the Senate if they have not theretofore been confirmed by the Senate, or until their rejection by the Senate before the end of its next session: *Provided further*, That if the Senate should reject or fail to confirm the promotion of a Foreign Service officer during the session following the date of such promotion, the Foreign Service officer shall automatically be reinstated in the position from which he was promoted, such reinstatement to be effective, in the event of rejection of the nomination, from the date of rejection; and in the event of failure of the Senate to act on the nomination during the session following a promotion, from the termination of that session: *And provided further*, That all official acts of such officers while serving under diplomatic or consular commissions in the Foreign Service shall be performed under their respective commissions as secretaries or as consular officers. (As amended June 29, 1935, c. 337, 49 Stat. 436.)

§ 20. Compensation of Foreign Service officer acting as chargé d'affaires ad interim or in charge of consulate.

"Feb. 15, 1915, c. 23" in citation should be "Feb. 5, 1915, c. 23."

§ 21. Retirement and disability system; establishment; rules and regulations.

In subsection (1) words "section 3a of this title" should be "section 231 of this title".

DIPLOMATIC OFFICERS GENERALLY

§ 37. Special allowance to messenger of embassy at Paris.

In the opinion of the Secretary of State this section is obsolete.

§ 40. "Diplomatic officer" defined.

"Aug. 18, 1850, c. 127, § 1" in note to this section should be "Aug. 18, 1850, c. 127, § 31."

CONSULAR OFFICERS GENERALLY

§ 51. Official designations in consular service.

"Aug. 18, 1850, c. 127, § 1" in note to this section should be "Aug. 18, 1850, c. 127, § 31."
"July 25, 1800, c. 223" in note to this section should be "July 25, 1800, c. 233."

§ 58. Expense allowance to vice consulate or consular agency.

In the opinion of the Secretary of State this section is obsolete.

POWERS, DUTIES, AND LIABILITIES OF CONSULAR OFFICERS GENERALLY

§ 80. Commercial and agricultural reports.

"Feb. 9, 1800" in citation should be "Feb. 9, 1880."
"July 14, 1800, c. 207" in citation should be "July 14, 1800, c. 707."

§ 109. Allowance for office rent of consulates.

In the opinion of the Secretary of State this section is obsolete.

Chapter 2.—CONSULAR COURTS

§ 178. "Minister" and "consul" defined.

"Feb. 15, 1915, c. 23" in citation should be "Feb. 5, 1915, c. 23".

Chapter 3.—UNITED STATES COURT FOR CHINA

§ 191. Establishment of court; sessions; seal; writs; processes, etc. A court is hereby established, to be called the United States Court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may have been exercised, prior to June 30, 1906, by United States consuls and ministers by law and by virtue of treaties between the United States and China except insofar as the said jurisdiction is qualified by sections 192 and 193 of this title; and to concurrent jurisdiction of all offenses committed on the high seas in cases in which the person or persons charged with such offenses shall be found in or be brought first into China. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankan at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

The seal of the said United States Court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue. (As amended June 24, 1936, c. 757, 49 Stat. 1009.)

§ 197b. Special judge; appointment and compensation. The President may appoint a special judge of the United States Court for China to act temporarily when necessary—

(a) During the absence of the judge of said court;
(b) During any period of disability or disqualification, from sickness or otherwise, to discharge his duties; or

(c) In the event of a vacancy in the office of judge. Such special judge shall receive the same rate of compensation, and the same allowances for expenses and transportation when acting outside of Shanghai, as are paid and allowed the judge of said court. No compensation shall be paid to said judge excepting in the actual discharge of his duties as provided by this section. (June 30, 1906, c. 3034, § 11, as added Aug. 7, 1935, c. 452, § 1, 49 Stat. 539.)

§ 198. Commissioner for court; appointment; powers and compensation; district of Shanghai.

See section 198a, which makes provision for the appointment of a commissioner but makes no reference to this section. Section 2 of the Act cited to section 198a provided that "all laws and parts of laws in conflict herewith are hereby repealed."

§ 198a. Commissioner for court; judge of consular court; appointment; compensation; clerk as substitute. The judge of the United States Court for China is hereby authorized to appoint, as in the District Courts of the United States and with similar powers and tenure of office, a United States commissioner, who shall in addition to his other duties be judge of the consular court for the district of Shanghai, with all the authority and jurisdiction exercised prior to June 4, 1920, by the vice consul at Shanghai. Said commissioner shall receive for his services as commissioner and judge of said consular court such compensation as may be fixed by the Attorney General, not exceeding \$10 per day for each day of service actually rendered. In the event of a vacancy in the office of said commissioner or the disability or disqualification or absence of said commissioner, the judge of the United States Court for China may appoint the clerk of said court temporarily to perform the duties of commissioner and judge of the consular court for the district of Shanghai without additional compensation therefor. (June 30, 1906, c. 3034, § 10, as added Aug. 7, 1935, c. 452, § 1, 49 Stat. 538.)

Chapter 5.—PRESERVATION OF FRIENDLY RELATIONS GENERALLY

§ 245a. Exportation of munitions of war to belligerent countries prohibited; outbreak of war and enumeration of munitions by Presidential proclamation; penalties; duration of section. Whenever the President shall find that there exists a state of war between, or among, two or more foreign states, the President shall proclaim such fact, and it shall thereafter be unlawful to export arms, ammunition, or implements of war from any place in the United States, or possessions of the United States, to any port of such belligerent states, or to any neutral port for transshipment to, or for the use of, a belligerent country.

The President, by proclamation, shall definitely enumerate the arms, ammunition, or implements of war, the export of which is prohibited by sections 245a to 245i of this title.

The President shall, from time to time, by proclamation, extend such embargo upon the export of arms, ammunition, or implements of war to other states as and when they may become involved in such war.

Whoever, in violation of any of the provisions of this section, shall export, or attempt to export, or cause to be exported, arms, ammunition, or implements of war from the United States, or any of its possessions, shall be fined not more than \$10,000 or imprisoned not more than five years, or both, and the property, vessel, or vehicle containing the same shall be subject to the provisions of sections 238 to 245 of this title.

In the case of the forfeiture of any arms, ammunition, or implements of war by reason of a violation of sections 245a to 245i of this title, no public or private sale shall be required; but such arms, ammunition, or implements of war shall be delivered to the Secretary of War for such use or disposal thereof as shall be approved by the President of the United States.

When in the judgment of the President the conditions which have caused him to issue his proclamation have ceased to exist he shall revoke the same and the

provisions hereof shall thereupon cease to apply. Except with respect to offenses committed, or forfeitures incurred prior to May 1, 1937, this section and all proclamations issued thereunder shall not be effective after May 1, 1937. (Aug. 31, 1935, c. 837, § 1, 49 Stat. 1081, as amended Feb. 20, 1936, c. 100, § 1, 49 Stat. 1152.)

§ 245a-1. Purchase or sale of securities of belligerent countries prohibited; exceptions; penalties; duration. Whenever the President shall have issued his proclamation as provided for in section 245a of this title, it shall thereafter during the period of the war be unlawful for any person within the United States to purchase, sell, or exchange bonds, securities, or other obligations of the government of any belligerent country, or of any political subdivision thereof, or of any person acting for or on behalf of such government, issued after the date of such proclamation, or to make any loan or extend any credit to any such government or person: *Provided*, That if the President shall find that such action will serve to protect the commercial or other interests of the United States or its nationals, he may, in his discretion, and to such extent and under such regulation as he may prescribe, except from the operation of this section ordinary commercial credits and short-time obligations in aid of legal transactions and of a character customarily used in normal peacetime commercial transactions.

The provisions of this section shall not apply to a renewal or adjustment of such indebtedness as may exist on the date of the President's proclamation.

Whoever shall violate the provisions of this section or of any regulations issued hereunder shall, upon conviction thereof, be fined not more than \$50,000 or imprisoned for not more than five years, or both. Should the violation be by a corporation, organization, or association, each officer or agent thereof participating in the violation may be liable to the penalty herein prescribed.

When the President shall have revoked his proclamation as provided for in section 245a, the provisions of this section and of any regulations issued by the President hereunder shall thereupon cease to apply. (Aug. 31, 1935, c. 837, § 1a, as added by Feb. 20, 1936, c. 100, § 2, 49 Stat. 1153.)

§ 245a-2. Countries not within application of sections 245a to 245i. Sections 245a to 245i of this title shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war. (Aug. 31, 1935, c. 837, § 1b, as added Feb. 20, 1936, c. 100, § 2, 49 Stat. 1153.)

§ 245b. Definitions; National Munitions Control Board, establishment, meetings and reports; registration of manufacturers, etc.; export and import licenses; purchases by United States from unregistered persons; enumeration of munitions; effective date of section. That for the purposes of sections 245a to 245i of this title—

(a) The term "Board" means the National Munitions Control Board which is hereby established to carry out the provisions of sections 245a to 245i of this title. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of said sections is vested in the Department of State;

(b) The term "United States" when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

(c) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

Within ninety days after the effective date of sections 245a to 245i of this title, or upon first engaging