

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 3, 1951

1. Number: FOM No. 102
2. Title: Motor Vehicle Mortgage Bill
3. Office in Charge: Ministry of Transportation
4. Date of Cabinet Approval: Feb. 27, 1951
5. SCAP Section concerned: Mr. Osmond, CTS.
6. Remark (Reference):

Reference copies are attached herewith.

7. GS Reviewers:

Received by

Date

CSK: CTS
ESS.
LS/LT

3/3/51

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>LS/LAJ</u> Date: <u>2 April 1951</u> 1. The attached bill, drafted by <u>Transportation Ministry</u> has been cleared for immediate introduction into the Diet 1 Incl: <u>Road Transportation Bill</u> <u>(Revised Text)</u> C. W.
----------	--

~~26-6076~~

P & P

(14)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: CTS	Date: ^{Maj Guida} 26-6076 2 April 1951
1.	The attached bill, drafted by Transportation Ministry has been cleared for immediate introduction into the Diet.		
	1 Incl: Road Transportation Bill (Revised text)		
	C. W.		

P & P

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Gulda

Note No.

From: Govt Sec

To: IS/L&J

Date: 3 March 1951

26-6076

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Transportation Ministry.**

2. Your prompt comment is requested.

1 Incl

Road Transportation Bill

C. W.

J
&
P

Subject: Road Transportation Bill

From: LS

To: GS

Date: 23 March 1951
G.M.Koshi, 57-8645

1. This Section offers the following comments and suggestions:

a. This bill provides for very detailed and rigid control over the licensing and operation of the motor carrier business, motor road and motor road business, broker business for truck operation and the light vehicle carrier business. The Ministry of Transportation is entrusted with a far reaching power to grant or cancel licenses, suspend business and to supervise its operation. In the light of such a tight administrative control, it is all the more necessary that adequate safeguards be provided.

(1) Some kind of public hearing is provided in Article 115 but a careful scrutiny reveals that this Article applies only to the provisions for granting and cancellation of licenses for motor carrier business and not to similar acts with respect to other businesses covered by this bill. Furthermore, the mere provision in Article 115 that a public hearing shall be held is inadequate. The essential elements of a public hearing such as preliminary notice, opportunity to present evidence, and the right to be represented by counsel should be spelled out. Legal Section has time and again suggested that these elements be incorporated in the law. Without any conceivable reason this advice has been disregarded in many cases, while in others

Road Transportation Bill

LS

GS

23 March 1951
G.M.Koshi, 57-8645

2.
(contd)

safeguards in the administrative process have been provided in compliance with it.

(2) In Article 32, a form of public hearing is provided for, which is also applied mutatis mutandis to the cases coming under Articles 92, 97 and 102; however, it fails to provide for representation by counsel. It is suggested that such a provision be inserted.

(3) In Articles 18, 33, 49, 66, 70, 83 and 111, the Minister of Transportation is empowered to grant or deny license, registration or authorization to change business plans, designs of construction, etc.; order improvement of business or joint use of facilities; compel the business operators to take out insurance; and to dismiss members of the Road Transportation Council, but in none of these provisions is there a public hearing provided for. In Article 121 it is set forth that "any person who is dissatisfied with the dispositions effected by the administrative offices in accordance with the provisions of this law or orders under the law may make an appeal" but such a recourse does not offer prompt or adequate remedy so as to properly safeguard the rights of interested or aggrieved persons. Here again, it is suggested that a form of public hearing be provided to protect the rights of persons affected under these articles.

b. The term "accidentally" in Article 136 should be changed to read "through negligence".

c. In Article 34 the words "the National Assembly" should be changed to "the Diet".

2. Policy questions involved are of primary concern to CTS and this Section makes no comment thereon apart from the repeated observation that recent legislation reveals the increased tendency of the Japanese Government toward bureaucratic regimentation of economic and professional life.

1 Incl.

w/d

-----A.C.C.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: CTS Date: 3 March 1951	Maj Guida 26-6076
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by Transportation Ministry.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Road Transportation Bill</p>	
2	<p style="text-align: center;">C. W.</p> <p>From: CTS To: Govt Sec Mr. Osmond 26-6017 Date: 4 MAR 1951</p> <p>The Chief, CTS, recommends that the draft Road Transportation Bill be cleared for introduction in the Diet.</p> <p>1 Incl w/d</p> <p style="text-align: center;">----- H. T. M. -----</p>	

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guida

Note No.

From: Govt Sec

To: **RSS**

Date: 3 March 1951

26-6076

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Transportation Ministry.**

2. Your prompt comment is requested.

1 Incl

Road Transportation Bill

C. H.

P & P

Mr. Eisenstein, 26-6664

WFM/RMC/LNS/IE^{ye}/kh

From: ESS

To: GS

Date:

13 MAR 1951

2

1. References are:

- a. C/N 1 from GS to ESS, dated 3 Mar 51, subject: Draft Legislation, transmitting the Road Transportation Bill.
- b. The Law concerning the Prohibition of Private Monopoly and Methods of Preserving Fair Trade (Law No. 54 of 1947).
- c. The Trade Association Law (Law No. 191 of 1947).
- d. SCAPINS 1108, 6 Aug 46, 1394, 11 Dec 46 and 1860, 16 Feb 48.
- e. C/N's from ESS to GS commenting on proposed amendments to the Road Transportation Law, dated 10 Feb 50 and 7 Apr 50.
- f. Cabinet Decision of 16 Feb 51.

2. Reference Bill proposes complete government regulation of all phases of motor bus and truck businesses, toll road operations, brokerage or agencies for truck hire and regulation of the use

(10 Mar 51)ESS/TP

Draft Legislation

ESS

CS

13 MAR 1951

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Cont'd

of private motor vehicles. Administration of the regulations is to be by the Minister of Transportation, in some instances by the Minister of Construction, who may delegate authority to a bureau chief or one of the prefectural governors (Art. 122). The more important decisions must be referred to one of nine regional Transportation Councils (Art. 103), whose decision must be given "high regard" (Art. 104).

3. Before a motor carrier business can be licensed, there must be a finding that there is a demand for it (Art. 6, para. 1, items (1) and (3)), the fares and rates are to be fixed at a level creating "no apprehension of evoking undue competition" (Art. 8, para. 2, item (4), Art. 11, para. 2, item (3)) and the business plan of a carrier cannot be altered unless there is sufficient demand for it (Art. 18, para. 2, item (2)). Motor carriers are permitted to enter into "agreements concerning transportation" when authorized by the Minister (Art. 20). Article 33 permits the Minister to alter business plans or rates, to force joint agreements and to take other measures "to secure smooth transportation." These activities are to be completely exempt from the Anti-Monopoly Law (Art. 21).

4. Similar controls are provided for the truck brokerage business. To be licensed, a broker must possess certain unspecified facilities (Art. 83, para. 1, item (5)), and his rates are to be fixed by the Minister (Art. 85) after applying the standards of Art. 8, para. 2 (Art. 85, para. 2).

5. The provisions described in paragraphs 3 and 4 above are deemed objectionable as contrary to the spirit of the Anti-Monopoly Law in that they are designed to and will have the effects of eliminating competition in the motor transportation industry and of preventing or impeding the entry of persons into business. The provisions described are not necessary to any price control program or to any plan for proper utility rate regulation. It is recommended that the provisions described be deleted.

6. Reference Bill provides for administration by Road Transportation Councils (Art. 103) whose decisions must be given "high regard" (Art. 104). The phrase "high regard" is a term of art, which in Japanese jurisprudence is tantamount to binding effect. Such Councils, if industry representation is permitted, are hardly distinguishable from control associations prohibited by reference 1d and are subject to the additional objections pointed out in reference 1e. In addition, such Councils are economic councils as defined in the Cabinet Decision of 16 Feb 51, reference 1f, and fail to comply with the standards of the Cabinet Decision in the following respects:

Mr. Eisenstein, 26-6664

WFM/RMG/LNS/IE/kh

(10 Mar 51)ESS/

Draft Legislation

ESS

GS

13 MAR 1951

2
Cont'd

a. Industry representatives must fairly represent large, small and medium sized enterprises, geographic locations and types of enterprises (Cab. Dec., para. 2(1)). This requirement is not in reference Bill.

b. Officials and employees of trade associations are not eligible for membership. (Cab. Dec., para. 2(2)). Reference Bill merely prohibits Council members from participating in road transport organizations (Art. 110). They may be officials of, while not participating in, such organizations and may be participating officials in any other kinds of trade associations.

c. Terms of members are not to exceed six months and may be once renewed (Cab. Dec., para. 2(3)). Reference Bill provides a term of three years with no restrictions on reappointment (Art. 109).

d. Appointments and renewals are by the Prime Minister (Cab. Dec., para. 2(4)). Reference Bill provides for appointment by the Minister of Transportation from among persons nominated by prefectural governors (Art. 107).

e. Councils are to give advice not binding on the Government (Cab. Dec., para. 3(1)) and shall not take action on particular cases (Cab. Dec., para. 3(2)). Reference Bill requires decisions by Councils on licensing, cancellation of licenses and rates (Art. 104).

f. Councils are prohibited from accepting services or facilities from interested parties (Cab. Dec., para. 3(3)) or from delegating performance of their services or accepting money from any party other than the Government (Cab. Dec., para. 3(4)). Reference Bill merely prohibits members from participating in the management or owning controlling stock interests in road transportation businesses unless such businesses operate in a different area (Art. 110) and prohibits members from participating in cases in which they are specially interested when the Council so directs (Art. 113).

7. It is recommended that (a) Articles 103 to 113 of reference Bill be deleted or (b) they be revised to comply with the Cabinet Decision of 16 Feb 51 or (c) reference Bill be revised to provide for its administration solely by government officials subject to the provisions of the National Public Service Law, particularly the provisions limiting concurrent private employment and investment.

Mr. Eisenstein, 26-6664

WFM/RMG/INS/IE/kh

(10 Mar 51)ESS

Draft Legislation

13 MAR 1951

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8. Article 125 of reference Bill requires organization composed of carriers or vehicle users to comply with unspecified Ministerial Ordinances concerning reporting of information. Article 126 permits such organizations, when required by Ordinances, to submit business reports. These articles are objectionable in that they may permit or require trade associations to compulsorily obtain and report business information concerning the activities of members, an activity prohibited by Item 7 of Article 5 of the Trade Association Law (reference 1c).

1 Incl
w/d

----- W. F. M. -----

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

APD 500
6 August 1946

AG OBO (6 Aug 46)ESS/AC
(SCAPIN -1100)
1108

MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT.

THROUGH : Central Liaison Office, Tokyo.

SUBJECT : Dissolution of Control Associations (Tosei Kai) and
Authorization to Establish Government Allocation
Agency together with Necessary Control Organs with-
in Specific Industries.

1. In order to release industry from certain wartime production controls and to establish more democratic methods of increasing the production of essential materials and commodities for the reconstruction of a peacetime economy, the Imperial Japanese Government is directed to take the necessary action to accomplish the following within ninety (90) days from date of this Memorandum:

a. Dissolve existing Control Associations (Tosei Kai) and repeal or rescind all laws, ordinances, regulations and ministerial ordinances relating thereto.

b. Preserve the complete records of such Associations within the respective bureaus of the Government now supervising such Associations.

c. Concurrently with the actions taken in accordance with the provisions of subparagraph 1a, above, establish such public agencies, divisions and procedures within or under the Economic Stabilization Board as may be necessary to effectuate, under the coordinated direction and supervision of said Board, and in cooperation with the particular ministries concerned, allocations to and within such specific industries as may be selected by such Board for the assured production of essential materials and goods, and to assure that such allocations are adjusted to meet desired production schedules; supervise the establishment and operation of democratically organized and operated trade associations to be used as temporary stabilization devices within the specified industries selected by the Economic Stabilization Board for the purpose of allocating essential raw and semi-processed materials within those industries.

2. The Imperial Japanese Government will furnish the following information to the Supreme Commander for the Allied Powers, in quintuplicate, typed in English on 8" x 11" paper, within ninety (90) days from the date of this Memorandum:

a. Complete list of all laws, ordinances, regulations and ministerial ordinances repealed or rescinded in compliance with the provisions of subparagraph 1a, above.

b. Names of the responsible bureaus preserving the records of dissolved Control Associations (Tosei Kai) in compliance with the provisions of subparagraph 1b, above.

c. Name, structure, composition and method of operation of the specified agencies and description of procedures established in accordance with the provisions of subparagraph 1c, above.

d. List of the specific industries selected by the Government pursuant to authority granted in subparagraph 1c, above, to receive allocations of essential raw materials and goods.

e. Report of actions taken by the Government to establish the necessary trade associations to be used as temporary stabilization devices pursuant to the provisions of subparagraph 1c, above, together with full information as to the structure, methods of operation and specific functions of each such trade association, and the measures taken to assure full, non-discriminatory participation in the decisions of such trade associations on the part of all small, medium and large-sized enterprises involved.

3. The existence of all industry trade associations as temporary stabilization devices within selected industries, and the public agencies established by the Imperial Japanese Government in compliance with the provisions of this Memorandum shall be limited to a period of one (1) year from date of this Memorandum, except as authorized by the Supreme Commander for the Allied Powers.

4. This Memorandum will not be construed as affecting in any respect whatsoever, the continued functioning of the Civilian Merchant Marine Committee, as created pursuant to Memorandum for the Imperial Japanese Government from General Headquarters, Supreme Commander for the Allied Powers, file AG 334 (9 Nov 45)GD (SCAPIN - 256), subject: "Appointment of Civilian Merchant Marine Committee."

FOR THE SUPREME COMMANDER:

JOHN B. COOLEY,
Colonel, AGD,
Adjutant General

091

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

509
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AG 400 (11 Dec 46) ESS/AC
(SCAPIN 1394)

APC 500
11 December 1946

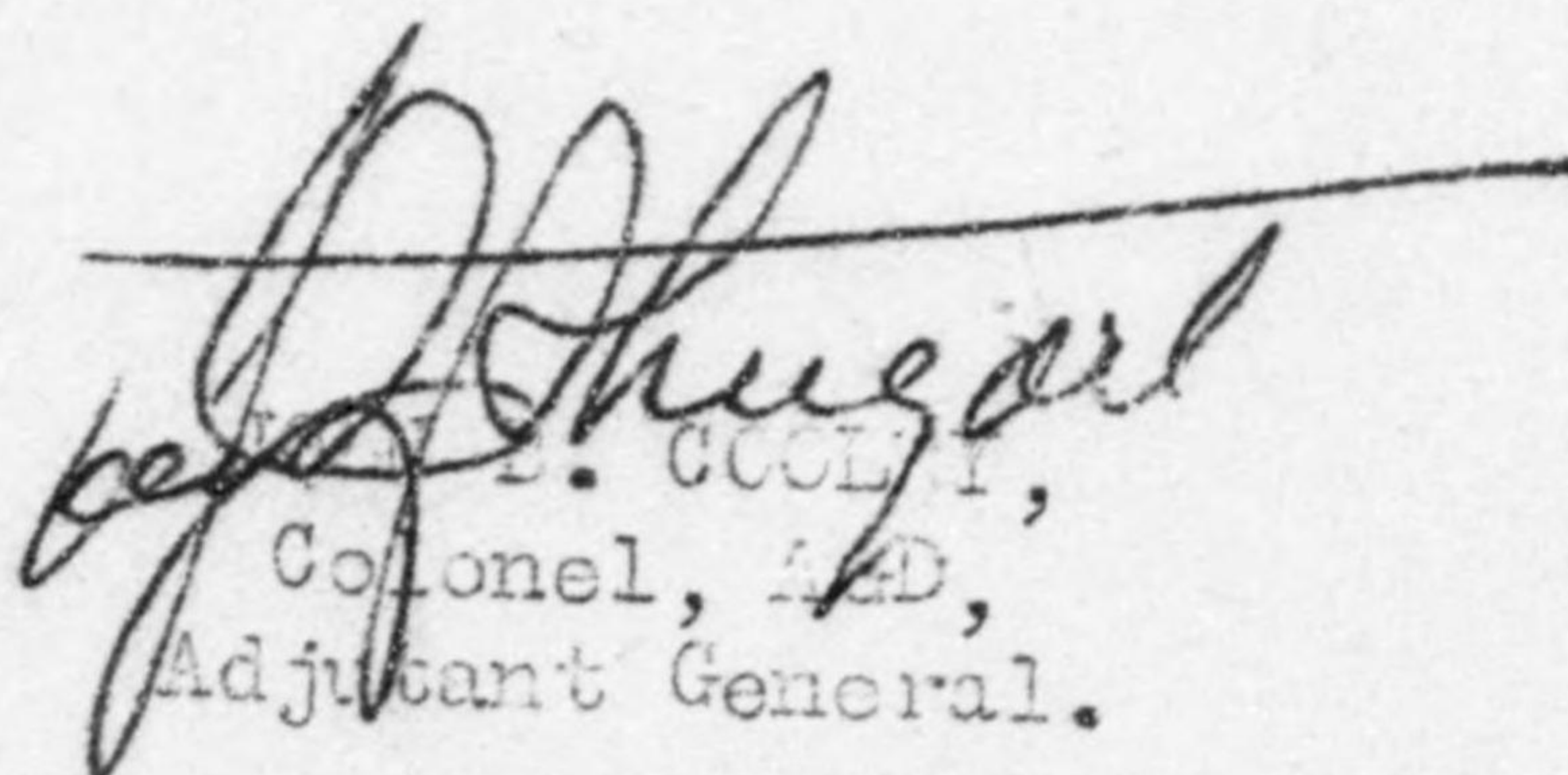
MEMORANDUM FOR: IMPERIAL JAPANESE GOVERNMENT

THROUGH: Central Liaison Office, Tokyo

SUBJECT: Methods of Control under the Temporary Demand and Supply Adjustment Act

1. Reference is the Temporary Demand and Supply Adjustment Act.
2. The Imperial Japanese Government will withdraw from industry the powers of distribution control. The control of distribution of materials and products by the method of exclusive purchase and sale by a designated private company or association will be eliminated.
3. The Imperial Japanese Government will submit to the Supreme Commander for the Allied Powers plans for carrying on distribution functions through a government distribution corporation. The purpose of such corporation will be to exercise necessary control functions where adequate distribution cannot be accomplished through normal distribution channels.
4. No agency will be designated by the Economic Stabilization Board under the Temporary Demand and Supply Adjustment Act without approval of the Supreme Commander for the Allied Powers.
5. The officers and employees of agencies or corporations established or designated under paragraphs 3 and 4, above, will not be permitted to be stockholders or employees or to have any beneficial interest in any company or enterprise engaged in the production or distribution of goods and materials under the control of the agency or corporation.
6. The Imperial Japanese Government will submit to the Supreme Commander for the Allied Powers for approval, in quintuplicate, typed in English on 8" x 11" paper, within ten (10) days from date of this Memorandum, proposed ministerial ordinances for the control of essential products and materials which are consistent with the policies set forth in this Memorandum.

FOR THE SUPREME COMMANDER:


W. C. COKER,
Colonel, A.D.,
Adjutant General.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
APO 500

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AG 004 (16 Feb 48) ESS/AC
SCAPIN 1860

16 February 1948

MEMORANDUM FOR: JAPANESE GOVERNMENT

SUBJECT: Interpretation and Implementation of Policy Concerning
the Elimination of Control Associations

1. Reference the following memoranda for the Japanese Government from
General Headquarters, Supreme Commander for the Allied Powers:

a. AG 080 (6 Aug 46) ESS/AC, (SCAPIN 1108), 6 August 1946, subject:
Dissolution of Control Associations (Tosei Kai) and Authorization to Estab-
lish Government Allocation Agency together with Necessary Control Organs
within Specific Industries.

b. AG 400 (11 Dec 46) ESS/AC, (SCAPIN 1394), 11 December 1946, sub-
ject: Methods of Control under the Temporary Demand and Supply Adjustment
Act.

2. In the implementation of reference memoranda paragraph 1a and 1b,
above, the Japanese Government is directed to conform to the following inter-
pretations:

a. The term "control association" shall be construed to mean any
company, association or other type of organization (whether or not the name
of such organization contains the words "tosei kai," "tosei kumiai," "tosei
kaisha" or any other words indicating control) which exercises any of the
following control functions:

- (1) Compelling, by any means, other individuals or companies
in a given industry or trade to:
 - (a) Be members of its organization.
 - (b) Pay dues or fees.
 - (c) Adhere to a given set of rules of trade.
- (2) Controlling the distribution or sale of any materials or
product (other than its own) by means of any of the fol-
lowing:
 - (a) Exclusive right of purchase or sale.
 - (b) Mandatory inspection.

00 00

BASIC: Memo for JG, SCAPIN 1860

6. Direct communication is authorized between the interested staff sections of General Headquarters, Supreme Commander for the Allied Powers, and agencies of the Japanese Government concerned to implement all provisions of this memorandum.

FOR THE SUPREME COMMANDER:

for *aj Rehe*
R. M. LEVY,
Colonel, AGD,
Adjutant General.

GOVERNMENT SECTION

6 March 1951

MEMORANDUM FOR: Parliamentary & Political Division

SUBJECT : Draft Legislation

No objection to the following bills:

1. Bill for Partial Amendment to Smaller Enterprises, etc.
Cooperative Law
2. Vehicles for Road Transportation Bill
3. The Road Transportation Bill

M. Matsukata
M. MATSUKATA

MM:gb

No. 31

Date: February 26, 1951

Title of draft ^{Law}
~~Cabinet Order~~

The Road Transportation Bill

The above draft ^{Law}
~~Cabinet Order~~ has been reviewed and approved by
the Administrative Management Agency.

Katsuhiko Onogi
Katsuhiko ONOGI,
Deputy Director,
Administrative Management Agency.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: CTS	Date: 26 March 1951	Capt Morris
1.	1. Immediate introduction of the attached draft bill ^{amendment} in the Diet is proposed by House of Councillors .			
	2. Your prompt comment is requested.			
	1 Incl Proposed Amendments to Bill for Ship's Officer			
	G. H.			

P & P

(15)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: G-2/PDD	Date: 26 March 1951	Capt Morris
1.	1. Immediate introduction of the attached draft ^{amendment} bill in the Diet is proposed by House of Councillors.			
	2. Your prompt comment is requested.			
	1 Incl Proposed Amends to Bill for Ship's Officer			
	6. . .			

P & P

OBS

MR

From: G-2

To: Govt Sec

Capt Russell 26-5916
Date: 31 March 1951

2

1. PSD/G-2 objects to the proposed Paragraph 2, Article 10 and the proposed Article 15. As established under PSD guidance the Maritime Safety Council, which these changes affect, functions as an advisory council, aiding the MSA Director in evaluation of matters relative to marine safety. Under proposed legislation, the council would make recommendations regarding MSA operational matters. PSD/G-2 believes that this change is unnecessary and if promulgated would be detrimental to the best interests of the shipowners and merchant marine personnel.

2. PSD/G-2 objections were explained in conference with Mr. H. Koizumi and Mr. T. Nita, two of the sponsors of this bill. As a result of this conference Mr. Koizumi and Mr. Nita agreed to restudy with other sponsors of the bill the objectionable articles and revise or delete such articles.

1 Incl
w/d

-----C. A. W.-----

214109

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

Note No. 1.	From: Govt Sec To: <i>LS/LAJ</i> Date: <i>26-6076</i> <i>28 March 1951</i> 1. Immediate introduction of the attached draft bill ^{amendment} in the Diet is proposed by 2. Your prompt comment is requested. 1 Incl <i>Proposed Amends to Bill for Ship's Officer</i>
	<p style="text-align: right;">G. ..</p> <p style="text-align: right;">P & P</p> <p><i>no obj. on content obj. of basic bill. Hess 3/29</i></p>

Subject: Proposed Amendment to Bill for Ship's Officer

From: LS

To: GG

Date: 30 March 1951
S.A. Reese, 57-8546

2.

In a check sheet dated 17 March, this Section reviewed the bill for Ship's Officer which was designed to substitute entirely new legislation to replace the old Ship's Officer Law (Law No. 68 of 1896). LS has no objections to the present bill which merely proposes amendments, minor in nature, to the main bill now being considered by the Diet. Since it is noted that none of the proposed amendments cure the objections previously interposed, LS reiterates the same objections contained in the aforementioned check sheet.

1 Incl.
w/d

----- A.C.C. -----

HOUSE OF COUNCILLORS

Sat. March 24th, 1951

Title

Proposed Amendments

to the Bill for Ship's Officer

I hereby certify that above-mentioned amendments do not violate any directive issued by the Supreme Commander for the Allied Powers, the Constitution and any laws of Japan.

For the Director

Takehiko Okada

Takehiko Okada
Chief of 3rd Division
of the Legislative Bureau,
House of Councillors.

Checked GS(JW)
3/21/51

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

Note No.

From: Govt Sec

To: LS/LAJ

Date:

26-6076
5 March 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by Transportation Ministry.

2. Your prompt comment is requested.

1 Incl

Bill for Ship's Officer

C. W.

P & P

Subject: Bill for Ship's Officer

From: LS

To: GS

Date: 17 March 1951
S.A. Reese, 57-8546

2.

1. Article 6 specifies the classes of persons who shall not be granted licenses as marine technicians. The intended purpose of the bill would be more clearly expressed if a new item be added to this article reading as follows:

"A person who does not meet the physical, mental or moral standards prescribed by Ministry of Transportation Ordinance."

LS invites attention to inconsistency on the part of the drafters of this bill in omitting from Article 6 the provision that persons who have been convicted for the commission of serious criminal offenses shall be ineligible for a license. Such a provision was contained in the Ship's Officer Law (No. 69 of 1908). Moreover, in a majority of the bills recently reviewed by LS which concerned the competency of persons to engage in certain professions, such bills, irrespective of the significance of the particular profession concerned, have consistently contained provisions prohibiting the issuance of licenses to those with criminal records. Ship's officers, more especially captains of vessels, hold more important positions than many of these in other professions to which these restrictions have been applied. It therefore seems incongruous to lower the standards in the case of these officers.

Bill for Ship's Officer

LS

GS

17 March 1951
S.A. Reese, 57-8546

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(contd)

2. Article 10 prescribes the grounds upon which the license of a marine technician may be revoked. This article is not regarded as sufficiently comprehensive in scope to cover all situations which are likely to arise. It is therefore recommended that two additional items be added to this article to read as follows:

- 1) When during the period of validity of his license he has become physically or mentally incompetent to perform the duties required to be performed by his license.
- 2) When after already having been issued a license it is discovered that he has made false or fraudulent misrepresentations relating to his application for license or has committed dishonest acts relating to his examination for such license.

(Note: Article 15 only covers cases where knowledge of the dishonest acts is acquired prior to the issuance of the license).

3. Article 11 which relates to the public hearing for revocation of license is legally objectionable in the following respects:

- (a) Item (1) of this article provides that "the Director of the Maritime Safety Agency shall held a public hearing" LS has been advised by PSD that it is contemplated that a Hearing Unit of three committeemen will conduct the hearing on behalf of the Director of MSA. If this is to be done, this particular item should specifically provide for the appointment of the Hearing Unit and prescribe their qualifications as well as grounds for disqualification in cases with which they have previously been connected or in which they may be interested.
- (b) Item (2) of this article should provide that the decision based on the hearing be made in writing setting forth the findings of fact and that the decision, if approved by the Director of MSA, may be appealed within a specified time to the Minister of Transportation. (Article 25 which treats with appeals generally does not obviate this objection).
- (c) Item (3) of this article states that "at the hearing the parties connected with the disposition or proxies thereof or those interested in the case may state their opinions

Bill for Ship's Officer

LS

GS

17 March 1951
S.A. Reese, 57-3546

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(contd)

and produce evidences in regard to the case concerned."
The underlined portion does not protect adequately the rights of the licensee. Following the usual standard heretofore applied in similar situations, this phrase should be changed to read as follows: "may select counsel, present witnesses, books, records and other data pertinent to the case concerned."

4. Article 15 provides that whenever a person is found to have committed any "dishonest conduct" relating to the examination, the Director of MSA may suspend such person "from receiving the examination or anul his success in the examination." In addition, such person may not take another examination within the next two year period. Since no provision is made for administrative hearing, findings of fact, or administrative appeal, the final determination of "dishonest conduct" is left to the arbitrary decision of the Director of MSA. LS recommends that the safeguards set forth in paragraph 3 (b) of this check sheet be made applicable to all cases where the applicant is denied a license on the grounds of dishonest conduct.

5. An error is noted in the translation of Article 11, item (2). The English phrase reading "connected with the disposition is going to be made" should be changed to read "concerned with the reasons for effecting the disposition."

1 Incl.
w/d

A.C.C.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Norris

26-6076

Note No.

From: Govt Sec

To: **CTS**

Date: 5 March 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Transportation Ministry**.

2. Your prompt comment is requested.

1 Incl

Bill for Ship's Officer

C. W.

2

From: **CTS**

To: Govt Sec

Date:

7 MAR 1951

1. The Chief, **CTS**, submits the following comments on the proposed Bill for Ship Officers:

a. It is a commendable improvement over existing law on the subject, containing no apparent conflict with SCAP policies.

b. The attention of the Maritime Safety Agency has, however, been directed to Article 8 and other provisions which fix the qualifications for ship officers. Non-citizens are not disqualified. This risk, particularly in times of subversive activities by fifth column elements, is one which no other major maritime nations permit by their navigation laws. It was no doubt a necessity in the days of Japan's expansion into maritime navigation and trade, but not today.

c. Japan's anticipated early re-entry into the International Maritime conventions should insure continued improvements in her maritime legislation.

1 Incl

- W/A - - - - - H. T. M. - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: G2/PSD Date: Capt Norris 26-6076 5 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Transportation Ministry . 2. Your prompt comment is requested. 1 Incl Bill for Ship's Officer C. H.

P & P

From: G-2

To: Govt Sec

Col Pulliam 26-5915

Date: 7 March 1951

2

PSD/G-2 offers no objection to the bill for Ship's Officers.

1 Incl
w/d

-----C.A.W.-----

Bill

Submitted to GS for Clearance
through Legislative Affairs Section,
Liaison Bureau, Ministry of Foreign Affairs
(Tel. 57-6010)

Mar. 5, 1951

1. Number: FOM No. 112
2. Title: Bill for Ship's Officer
3. Office in Charge: Maritime Safety Agency, MT.
4. Date of Cabinet Approval: Feb. 27, 1951
5. SCAP Section concerned: Mr. Driver,
Public Safety Division, G-2 Section.
6. Remark (Reference):

Reference copies are attached herewith.

7. GS Reviewers:

Received by CS

Date 3/5/51

CS:
OTS
LS/LJ
G2/PSR

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-6076

Note No.

From: Govt Sec

To: CTS

Date: 2 April 1951

1.

1. Immediate introduction of the attached draft ^{amendment} ~~bill~~ in the Diet is proposed by **House of Representatives.**

2. Your prompt comment is requested.

1 Incl

**Proposed Amendments to
Motor Vehicle Mortgage
Law Enforcement Bill**

G. W.

P & P

(16)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To:	IS/LAJ	Date:	2 April 1951
1.	1. Immediate introduction of the attached draft amendment ^{amendment} in the Diet is proposed by the Diet ^{House of Representatives.}				
	2. Your prompt comment is requested.				
	1 Incl				
	Proposed Amends to Motor Vehicle Mortgage Law Enforcement Bill				
	G. W.				

P & P

Subject: Proposed Amendments to Motor Vehicle Mortgage
Law Enforcement Bill

From: LS

To: GS

Date: 5 April 1951
G.M.Koshi, 57-8645

2. This Section has no legal objections.

1 Incl.
w/d

-----A.C.C.-----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Capt Morris

26-607C

Note No.

From: Govt Sec

To: ISS

Date: 2 April 1951

1.

1. Immediate introduction of the attached draft ~~bill~~^{amendment} in the Diet is proposed by ~~House~~^{House of Representatives}.

2. Your prompt comment is requested.

1 Incl
Proposed Amends to
Motor Vehicle Mortgage
Law Enforcement Bill

G. ..

P & P

Mr. Eisenstein 26-6664

WPM
WPM/RMG/IE/kh

2. From: ESS To: GS Date: 9 APR 1951

No objection is interposed to introduction of subject amendment in the Diet.

1 Incl
w/d

----- W. F. H. -----

076

March 31, 1951.

Title of the Bill: Proposed Amendment to the Motor Vehicle
Mortgage Law Enforcement Bill.
(Proposed by OKADA, Goro (L))

I hereby certify that the above mentioned Bill
does not violate any Directive issued by the Supreme
Commander for the Allied Powers and the Constitution
of Japan, and that any provision of this Bill, except
those providing for exceptions, does not contradict
any other Law.

Toshio Irie

Chief, Legislative Bureau,
House of Representatives.

House of Representatives

March 31, 1951.

Proposed Amendment to the Motor Vehicle
Mortgage Law Enforcement Bill.

(Proposed by OKADA, Goro (L))

The Motor Vehicle Mortgage Law Enforcement Bill shall
partially be amended as follows:

In Article 5, "and to the motor transportation business
foundation under the Enforcement Law of the Road Transporta-
tion Law (Law No. of 1951)" shall be amended to read
"to the motor transportation business foundation under the
Enforcement Law of the Road Transportation Law (Law No. of
1951), and to the harbor transportation business foundation
under the Harbor Transportation Business Law (Law No. of
1951)".

YS

CS: CTS
ESS
LS/LJ

Recd G S
4/2/51

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec	To: IS/L&J	Date: 3 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Transportation Ministry.		
	2. Your prompt comment is requested.		
	1 Incl Motor Vehicle Mortgage Law Enforcement Bill		
	C. V.		

Maj Guida

26-6076

P & P

How

Subject: The Motor Vehicle Mortgage Law Enforcement Bill

From: LS

To: GS

Date: 20 March 1961
G. M. Koshi, 57-8645

2.

This Section has no legal objection.

1 Incl.
w/d

----- A.C.C. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guida

26-6076

Note No.

From: Govt Sec

To: CTS

Date: 3 March 1951

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Transportation Ministry**.

2. Your prompt comment is requested.

1 Incl

**Motor Vehicle Mortgage Law
Enforcement Bill**

C. H.

See attached carbon copy of Check Note 2, subject: Draft Legislation - Motor Vehicle Bill and Motor Vehicle Mortgage Enforcement Bill, 19 March 1951.

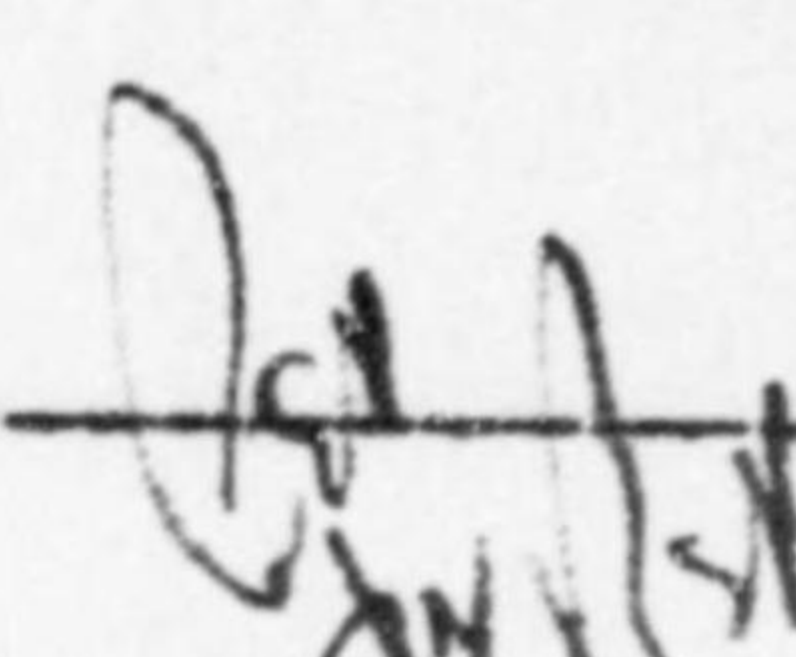
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Maj Guida

Note No.	From: Govt Sec	To: ESS	Date: 26-6076 3 March 1951
1.	1. Immediate introduction of the attached draft bill in the Diet is proposed by Transportation Ministry . 2. Your prompt comment is requested. 1 Incl Motor Vehicle Mortgage Law Enforcement Bill		
2	C. H.  WFM/EMR/REP/CSG/em Mr. Gordon, 26-6173 10 MAR 1951 This Section offers no objection to the attached proposed law. 1 Incl n/c -----W. F. M.-----		

HOUSE OF COUNCILLORS

Wed. March 28, 1951

Title

Proposed Amendment to the Bill for
Partial Amendments to the Japanese
National Railways Law

I hereby certify that above-mentioned amendment
does not violate any directive issued by the Supreme
Commander for the Allied Powers, the Constitution
and any laws of Japan.

K. Okuno

Director, Legislative Bureau,
House of Councillors

Rec'd GS 3/28/51

Cleared 3/28/51

*Gov't bill passed HC Committee
3/28 with the amend.*

(19)

CB

GENERAL HEADQUARTERS
SUPERIOR COMMANDER FOR THE ALLIED FORCES

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No. 1.	From: Govt Sec To: Date: ²⁶⁻⁶⁰⁷⁶ Capt Morris 1. Immediate introduction of the attached draft bill in the Diet is proposed by ^{13/141} ^{26 March 1951} amendment ^{House of Representatives.} 2. Your prompt comment is requested. 1 Incl Proposed Amend to Bill for Partial Amends to Japanese National Railways Law G. H.
--------------------	---

P & P

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: CTS Date: 26 March 1951 Capt Morris 26-6076
1.	<p>1. Immediate introduction of the attached draft bill ^{amendment} in the Diet is proposed by House of Representatives.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl Proposed Amend to Bill for Partial Amends to Japanese National Railways Law</p> <p>G. W.</p>

P & P

Government Section
Buck Slip

3/24 1950

FROM: P+P
TO: INITIAL DATE

<input type="checkbox"/>	CHIEF.....	.....
<input type="checkbox"/>	EX OFF.....	.....
<input checked="" type="checkbox"/>	DEPUTY CHIEF.....	.....
<input type="checkbox"/>	Col Wheeler.....	.....
<input type="checkbox"/>	Chief Adm Div.....	.....
<input type="checkbox"/>	Stat & Review.....	.....
<input type="checkbox"/>	Civil Serv Div.....	.....
<input type="checkbox"/>	Par & Pol Div.....	.....
<input type="checkbox"/>	Public Aff Div.....	.....
<input type="checkbox"/>	Public Adm Div.....	.....
<input type="checkbox"/>	Admin Asst.....	.....
<input type="checkbox"/>	Personnel Clerk.....	.....
<input type="checkbox"/>	Chief Clerk.....	.....
<input type="checkbox"/>	File.....	.....

For:

<input type="checkbox"/>	INFORMATION
<input type="checkbox"/>	NECESSARY ACTION
<input type="checkbox"/>	ACTION (Prepare reply)
<input type="checkbox"/>	APPROVAL
<input type="checkbox"/>	INITIAL
<input checked="" type="checkbox"/>	COMMENT OF CONCUR
<input type="checkbox"/>	RETAIN
<input type="checkbox"/>	RETURN
<input type="checkbox"/>	FILE
<input type="checkbox"/>	BURN <i>actm</i>

mt
B.K.

March 23, 1951.

Title of the Bill: Proposed Amendment to the Bill
for Partial Amendments to the
Japanese National Railways Law.
(Proposed by HARA, Takeshi and
another)

I hereby certify that the above mentioned Bill
does not violate any Directive issued by the Supreme
Commander for the Allied Powers and the Constitution
of Japan, and that any provision of this Bill, except
those providing for exceptions, does not contradict
any other law.

Sanzo Sameshima

Chief of the Third Division,
Legislative Bureau,
House of Representatives.

*for the Chief of the
Legislative Bureau.*

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>LS/LAJ</u> Date: <u>23 March 1951</u> Capt Morris 26-6076
1.	<p>1. Immediate introduction of the attached draft ^{amendment} bill in the Diet is proposed by <u>House of Representatives.</u></p> <p>2. Your prompt comment is requested.</p> <p>1 Incl <u>Amend to Bill for Partial Amends to Japanese National Railways Law</u></p> <p style="text-align: right;">G. W.</p>

P & P

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>CTS</u> Date: <u>25 March 1951</u>
1.	<p style="text-align: right;"><u>Capt Morris</u> 26-6076</p> <p>1. Immediate introduction of the attached draft bill ^{amendment} in the Diet is proposed by <u>House of Representatives</u>.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl <u>Amend to Bill for Partial</u> <u>Amends to Japanese National</u> <u>Railways Law</u></p> <p style="text-align: right;">G. W.</p>

P & P

2

From: CTS

To: Govt Sec

Mr. Delaney 26-6124
Date:

1. References are:

a. Check Note 1, GS to CTS, dated 20 November 1950, subject: Draft Legislation - Bill for Partial Amendments to Japanese National Railways Law. (Proposed by the Ministry of Transportation.)

b. Check Note 1, GS to CTS, dated 10 March 1951, same subject. (Proposed by the Ministry of Transportation.)

c. Check Note 1, GS to CTS, dated 23 March 1951, same subject, inclosing an amendment to Inclosure 1 of reference b. (Proposed by a member of the Diet.)

2. The Chief, CTS, interposes no objection to subject legislation proposing amendments to the Japanese National Railways Law, which would: (1) correct two typographical errors in the law, and (2) give to Japanese National Railway employees the right to continue serving on local assemblies.

3. The original Bill (reference 1 a) contained the "Assembly" provisions and provided for the correction of the typographical errors. It received the support of CTS, but was not enacted. The amended Bill (reference 1 b) provides only for the correction of the typographical errors. The number Bill (reference 1 c) restores the "Assembly" feature. The Chief, CTS, considers that the number Bill should receive consideration by the Diet.

2 Incls

----- H. T. H. -----

Government Section
Buck Slip

3/23 1950

FROM: W.P.
TO: _____ INITIAL _____ DATE _____

CHIEF.....

EX OFF.....

DEPUTY CHIEF.....

Col Wheeler.....

Chief Adm Div.....

Stat & Review.....

Civil Serv Div.....

Par & Pol Div.....

 Public Aff Div.....

Public Adm Div.....

Admin Asst.....

Personnel Clerk.....

Chief Clerk.....

File.....

For:

INFORMATION

NECESSARY ACTION

ACTION (Prepare reply)

APPROVAL

INITIAL

 COMMENT OF CONCUR

RETAIN

RETURN

FILE

BURN *com*

March 22, 1951.

Title of the Bill: Proposed Amendment to the Bill for
Partial Amendments to the Japanese
National Railways Law.
(Proposed by OKADA, Goro)

I hereby certify that the above mentioned Bill
does not violate any Directive issued by the Supreme
Commander for the Allied Powers and the Constitution
of Japan, and that any provision of this Bill, except
those providing for exceptions, does not contradict
any other law.

Saneō Sameshima

Chief, the Third Division,
Legislative Bureau,
House of Representatives.

*for the Chief of the
Legislative Bureau.*

House of Representatives

March 22, 1951.

Proposed Amendment to the Bill for Partial
Amendments to the Japanese National Railways Law.

(Proposed by Okada, Goro).

The Bill for Partial Amendments to the Japanese National
Railways Law shall be partially amended as follows.

The revised provision of Article 26, paragraph 2 shall
be amended as follow:

"In Article 26, paragraph 2, "any person who falls under
the provision of Article 12, paragraph 2, item (3)"
shall be amended as "any person who falls under the
provision of Article 12, paragraph 4, item (3)
(excluding the person who is a member of Assembly of
town or village)"

CS: OTS
LS/KS
GS/PA

Recd CS
3/23/51

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>OTS</u> Date: <u>10 March 1951</u> 26-6076
1.	<ol style="list-style-type: none">1. Immediate introduction of the attached draft bill in the Diet is proposed by <u>Transportation Ministry.</u>2. Your prompt comment is requested. <p>1 Incl Bill for Partial Amendments to Japanese National Railways Law</p> <p style="text-align: right;">C. W.</p>

P & P

2

From: CTS

To: Govt Sec

Mr. Delaney 28-6124
Date:

1. References are:

a. Check Note 1, OS to CTS, dated 20 November 1950, subject: Draft Legislation - Bill for Partial Amendments to Japanese National Railways Law. (Proposed by the Ministry of Transportation.)

b. Check Note 1, OS to CTS, dated 10 March 1951, same subject. (Proposed by the Ministry of Transportation.)

c. Check Note 1, OS to CTS, dated 25 March 1951, same subject, inclosing an amendment to Inclosure 1 of reference b. (Proposed by a member of the Diet.)

2. The Chief, CTS, interposes no objection to subject legislation proposing amendments to the Japanese National Railways Law, which would: (1) correct two typographical errors in the law, and (2) give to Japanese National Railway employees the right to continue serving on local assemblies.

3. The original Bill (reference 1 a) contained the "Assembly" provisions and provided for the correction of the typographical errors. It received the support of CTS, but was not enacted. The amended Bill (reference 1 b) provides only for the correction of the typographical errors. The member Bill (reference 1 c) restores the "Assembly" feature. The Chief, CTS, considers that the member Bill should receive consideration by the Diet.

2 Incls

- W/S - - - - - H. T. M. - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

Subject: Draft Legislation

Note No.	From: Govt Sec To: <u>LS/LNJ</u> Date: <u>10 March 1951</u> <u>Incl Guide</u> 26-6076
1.	<p>1. Immediate introduction of the attached draft bill in the Diet is proposed by <u>Transportation Ministry</u>.</p> <p>2. Your prompt comment is requested.</p> <p>1 Incl <u>Bill for Partial Amendments to Japanese National Railways Law</u></p> <p style="text-align: right;">C. W.</p>

P & P

Subject: Bill for Partial Amendment to
Japanese National Railways Law

From: LS

To: GS

Date: 23 March 1951
C.J.Smith, 57-8450

This Section has no legal objections to subject bill.

1 Incl.
w/d

-----A.C.C.-----

Government Section
Buck Slip

10 March 1950

FROM: P & P Div
TO: INITIAL DATE

<input type="checkbox"/>	CHIEF.....	.....
<input type="checkbox"/>	EX OFF.....	.....
<input type="checkbox"/>	DEPUTY CHIEF.....	.....
<input type="checkbox"/>	Col Wheeler.....	.....
<input type="checkbox"/>	Chief Adm Div.....	.....
<input type="checkbox"/>	Stat & Review.....	.....
<input type="checkbox"/>	Civil Serv Div.....	.....
<input type="checkbox"/>	Par & Pol Div.....	.....
<input checked="" type="checkbox"/>	Public Aff Div.....	.....
<input type="checkbox"/>	Public Adm Div.....	.....
<input type="checkbox"/>	Admin Asst.....	.....
<input type="checkbox"/>	Personnel Clerk.....	.....
<input type="checkbox"/>	Chief Clerk.....	.....
<input type="checkbox"/>	File.....	.....

FOR:

INFORMATION
 NECESSARY ACTION
 ACTION
 APPROVAL
 INITIAL
 COMMENT OR CONCUR
 RETAIN
 RETURN
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W. J. ... *CS.*
O.K.

House of Representatives

May 25, 1951.

Proposed Draft Amendments of the Joint
Committee of the Houses for the Bill
for Partial Amendment to the Japanese
National Railways Law (No. 1).

The amended provision in Article 26, paragraph 2 shall be amended as follows:

In Article 26, paragraph 2, "any person who falls under the provision of Article 12, paragraph 2, item (3)" shall be amended as "any person who falls under the provision of Article 12, paragraph 4, item (3) (excluding the person who is a member of the assembly of town or village)".

To the Supplementary Provision the following three paragraphs shall be added.

2. Any person who is an employee of the Japanese National Railways at the time of enforcement of this Law and who was elected member of the assembly of a city (including the special ward) at the election held after the day of enforcement (May 10, 1950) of the Law for Partial Amendments to the Ministry of Transportation Establishment Law and the Law for Partial Amendments to the Japanese National Railways Law (Law No. 159 of 1950) and is actually member thereof may, regardless of the revised provisions of Article 26, paragraph 2, continue to be member thereof during his term of office.

Res. 65 5/26
Cleared by
JW.

3. With reference to any person who was an employee of the Japanese National Railway^s at the time of the election of members of the assemblies of the local public entities held after the date mentioned in the preceding paragraph, and who was elected at the election concerned, the pre-amendment provision of Article 26, paragraph 2 shall not affect in any way his election, his membership at the assembly and his being an employee of the Japanese National Railways.

4. With reference to any person who is an employee of Japanese National Railways at the time of enforcement of this Law and who is actually member of the assembly of To, Do, Fu or a Prefecture, the amended provision of Article 26, paragraph 2 shall, regardless of the provision of the preceding paragraph, apply from that day on after the lapse of ten (10) days counting from the day of enforcement of this Law. In this case such person shall be regarded as resigned from the post of employee of the Japan National Railway on the day when such period lapsed, if he did not resign from the membership of such assembly within the period.

The remaining part of the Bill shall be as same as the Draft Bill decided by the House of Representatives.