

Ag + Forestry
2/14

Ag + Forestry Commodities
Standards Law

From: LS

To: GS

H H Neptune - 2635-479
Date: 3 March 1950

2.

1. The bills:

a. abrogates The Designated Agricultural and Forest Commodities Inspection Law (Law No. 210 of 1948).

b. authorizes the Minister (and To, Do, Fu, and Pref with permission of the Minister) to establish standards for Agricultural and Forestry commodities and to designate the commodities as "Japanese Agricultural and Forest Standard", prohibiting use of the term to those not designated.

c. establishes a Committee of not more than fifty (50) persons of learning and experience to deliberate, hold public hearings upon, and report to the Minister relating to the establishment of commodities as "standard".

d. prescribes penalties.

2. Important matters concerning the status of the Committee member are vague or not prescribed in the law. Therefore, Article 7 which provides that "matters concerning the Committee shall be provided for by Ministry Ordinance", is an excessive delegation of legislative authority and is objectionable. There are no other legal objections.

3. Attention is invited to the provision for the "Committee".

Rec'd GS
3/4

12

Draft Legislation (cont'd) re: Agricultural and
Forest Commodities
Standards Law

2
(cont'd)

which performs advisory functions to the Minister. Provision for such committees was recently discouraged both by SCAP and Japanese Government. It is suggested that ESS/Fair Trade Practices Branch be heard on its opinion, since ESS raised serious objections to a similar Council in the case of the Tourist Hotel Law.

4. Finally, it should be noted that the bill again shows the tendency to centralize and make uniform most aspects of social and economic life, a tendency contrary to the principle of local autonomy. For instance, Article 15 provides that "To, Do, Fu, or prefecture is not authorized to establish any standard" for commodities on which the Japanese Agricultural and Forest Standards are established. On the other hand, Article 2 of the Local Autonomy Law, item 12, includes "improvement of special products and other increase and improvements in production" as being an affair to be dealt with by the local public body.

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) CW/JH/JW/CFS/vs

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: NIS

28-6076
Date: 14 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Bill for Agricultural and
Forest Commodities Standards
Law

C. W.

P & P DIV

(12)

Agriculture & Forest
Commodities Standards

2

From: NR

To: GS

Lt Col H. P. Barnett, 26-6810
HGS/MWR/WG/HPB/ny

Date:

24 FEB 1950

1. Reference par 2, check note 1 above, NR comments are as follows:

a. It is not believed that enough producers will use the voluntary grading system to achieve maximum effectiveness.

b. Forest production statistics are obtained from forest products inspectors. If the present law is abolished, it will necessitate the establishment of another agency for forest products reporting at a cost of over 300 million yen annually.

c. The size and composition of the proposed Advisory Committee will defeat the purpose of the law. A Committee of ten in number, composed of a chairman and three technicians from each of the agricultural, forestry and fisheries fields would make for higher standards of agricultural and forest commodities. This committee will be answerable to the Ministry of Agriculture and Forestry in the establishment of standards.

Recd GS
2/25/50

(12)

C/S. GS to NR, Subj: "Draft Legislation", 14 Feb 50

CH #2
(Cont)

d. The proposed law should state that it does not affect or abolish the standards established in the Food Sanitation Act.

1 Incl
w/d

Copy furnished:
ESS

-----H. G. S.-----

Feb

CIVIL SERVICE DIVISION
Government Section

15 February 1950

MEMORANDUM TO: Parliamentary and Political Division,
Government Section

SUBJECT : Bill for Agricultural and Forest Commodities
Standards Law

The Civil Service Division does not object to subject bill.

W. Pierce MacCoy
W. PIERCE MacCOY
Acting Chief,
Civil Service Division

Att.
WPM:GWP:rj

*Rec'd of S
2/15/50*

(12)

AGRICULTURAL AND FOREST COMMODITIES STANDARDS LAW FOM 103

- 2.
1. Article 7 which provides that "matters concerning the Committee shall be provided for by Ministry Ordinance", is an excessive delegation of legislative authority and is objectionable.
 2. Attention is called to the provision for the "Committee" which performs advisory functions to the Minister. Such committees are in conflict with both SCAP and Japanese Government policies.
 3. Article 15 provides that "To, Do, Fu, or prefecture is not authorized to establish any standard" for commodities on which the Japanese Agricultural and Forest Standards are established. This is contrary to the principle of local autonomy. (See Article 2 of the Local Autonomy Law)
 4. It is not believed that enough producers will use the volunteer grading system to achieve maximum effectiveness.
 5. Forest production statistics are obtained from forest products inspectors. If the present law is abolished, it will necessitate the establishment of another agency for forest products reporting at a cost of over 300 million yen annually.
 6. The proposed law should state that it does not affect or abolish the standards established in the Food Sanitation Act.

On Committee: See HKS Checklist for 12 re: Art. 4.

Lt Col N.P. Barnett, 26-6810
HGS/MWR/WG/NFE/1a

NR 315 (4 APR 1950)

Proposed Agricultural and Forest
Commodities Standards Law

NR

GS

4 APR 1950

1 1. Reference is made to check note #1, GS to NR, subject "Draft Legislation", 14 Feb 50, with one inclosure "Proposed Agricultural and Forest Commodities Standards Law" for NR comment, and to check note 2 thereon, NR to GS, 24 Feb 50, offering NR objections to proposed law.

2. NR has made a further study both in the field and in Tokyo of the present system of inspection of forest products and of the proposed Law which, if enacted, would provide for voluntary grading of agricultural, forest, and fish products. All indications are that, except for charcoal, few producers of forest products will take advantage of the voluntary grading service offered under this bill. However, the Forestry Agency has advised us that it will carry on an active campaign to publicize the advantages of marketing and buying graded products.

3. As to the forest products statistics, which have in the past been based on the inspection reports, the Forestry Agency has developed a plan for collecting these data by other methods.

4. In view of these developments, NR desires to withdraw its objections to the proposed Agricultural and Forest Commodities Standards Bill. NRs other recommendations have already been acted upon.

Copy furnished:
ESS/IED (Mr Burton)

----- E. G. S. -----

Recd GS
7/5/50

12

Bill

to be submitted for GS approval
Legislative Affairs Section, F.O.
(TEL. 27-6010)

Feb. 16, 1950

- 1. FOLA Number: 112
- 2. Name of Bill: Bill for Exterminating and Preventing Pine Bark Beetles.

3. Competent Ministry: Ministry of Agriculture & Forestry

4. Date of Cabinet Approval: Feb. 9/10

5. SCAP Section concerned: Mr. H. F. Wise:
Forestry Division, NRS.

6. Remarks: (reference):
Excerpt copies of Forestry Law (Law No. 43 of 1907) are attached herewith.

CS: 7. G.S. Reviewers:

NRS
ESS
A/S/LJ

Received by CS

Date 2/16/50

13

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) OB/JN/JW/GHN/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: LS/LAJ

Capt. Morris

26-6076

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Bill for Exterminating and Preventing Pine Bark Beetles

C. W.

P & P DIV

(13)

Ag & Forestry
Pine Bark Beetles

2.

From: LS

To: GS

L.A. OTTO-2635-420
Date: 2 March 1950

Legal Section has the following objections to subject bill.

a. There is no provision for any hearing whereby land owners or other interested persons may present evidence as to the necessity of action by the Minister of Agriculture and Forestry under Article 3, nor is there any appeal from his decision. It is suggested that some type of notification, public hearing and appeal be provided.

2
b. It is recommended that Par. 2, Article 3, limiting the total amount of compensation paid under Article 8 to the amount of the budget estimate, be eliminated since it might in effect result in property owners not being fully compensated for their losses, which might be contrary to the constitutional protection of private property.

c. Under Article 8 it is recommended that certain standards and procedure for the determination of losses be set forth in the bill, together with the right to appeal from the determination.

Incl w/ d.

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

13

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: NRS

Capt. Norris

26-6076

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.
2. Your prompt comment is requested.

1 Incl

Bill for Exterminating and
Preventing Pine Bark Beetles

File No.: NR 515 ()Fo

From: NR

To: GS

Mr H. F. Wise 26-5902
HGS/HBD/HFW/wk

Date: 28 FEB 1950

1. Reference is made to check sheet dated 17 Feb 1950, transmitting draft "Bill for Exterminating and Preventing Pine Bark Beetles" for comment.
2. This bill was drafted by the Japanese Government for the purpose of providing adequate legislation to implement the recommendations made by Robert L. Furniss, Visiting Expert. Attached for your information is a copy of memorandum for record NR 536 (20 Jan 50)Fo, subject: "Summary of Visiting Expert's Observations and Recommendations on Pine Bark Beetle Control in Japan", dated 20 January 1950.

3. The English translation of this bill is poor. It is suggested that the Japanese copy of the bill be retranslated to make it clearer and to include some minor omissions which were made in the present translation. The general provisions of this bill are satisfactory but it is recommended that the following changes in presentation be considered.

a. Article 12 extends the application of the bill to other forest pests and diseases besides pine bark beetles. The title of the bill should be changed to read "Bill for Preventing and Controlling Pine Bark Beetles and Other Destructive Forest Pests and Diseases". Article 1 should be corrected to

13

Recd 2/5
2/28/50

C/S. GS to NR, Subj: Draft Legislation, 17 Feb 50.

CN #2
(Cont)

include "other destructive forest pests and diseases". A new paragraph should be added to article 2 as follows: "Other destructive forest pests and diseases" in this law shall mean any forest insect other than pine bark beetles, any rodent and any fungus or virus which infest forest trees and are detrimental to their growth.

b. In article 4, "para 1, items (1) or (2)" should be changed to read "par 1, items (1), (2) or (4)".

c. This legislation is urgently needed by the Japanese Government in order that the recommendations made by Mr Furniss can be carried out. The outbreak of pine bark beetles has become a problem of national importance and threatens to destroy the pine stands of Japan unless aggressive action is immediately taken to control the infestation. This legislation will permit the Japanese Government to take such action. It will also provide the Japanese Government with the authority to take action to prevent and control outbreaks of other forest insects (such as the Fall Webworm), pests and diseases should they become of national importance.

d. The Natural Resources Section approves this bill and urges its immediate introduction in the diet.

1 Incl:

As indic in par 2

H. S.
H. S.

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
Natural Resources Section

NR 536 (20 Jan 50)Fo

HGS/HED/HFW/RLF/ad
20 January 1950

MEMORANDUM FOR: Record

SUBJECT: Summary of Visiting Expert's Observations and Recommendations on Pine Bark Beetle Control in Japan.

1. Authorization: AGAO-C 201, 19 Oct 49.
2. Mission: To analyze the forest insect infestation problem in Japan and make recommendations for improved practical control measures.
3. Personnel: Robert L. Furniss, visiting expert on loan from the Bureau of Entomology and Plant Quarantine, U.S. Department of Agriculture.
4. Observations:
 - a. During the period from 6 Nov 49 to date, three field trips were made to Kyushu, Shikoku, and western Honshu; one reconnaissance flight was made over Shikoku and western Honshu; numerous conferences were held with Japanese foresters and insect control specialists; and literature on the habits of the pine beetles were reviewed. These are the basis for the recommendations contained in this report.
 - b. Serious outbreaks of pine bark beetles were observed in Okayama, Kumamoto, Kagoshima, and Miyazaki Prefectures. The infestation in Okayama Prefecture was particularly serious. Heavy outbreaks of a somewhat less serious nature were seen in Hyogo, Yamaguchi, and Nagasaki Prefectures. Aggressive control action is necessary to prevent serious disruption of the forest economy of all seven of these prefectures. Elsewhere pine beetle infestation is much less severe, and in many cases control work is being done when no control work is needed.
 - c. The outstanding characteristic of the present bark beetle control work in Japan is the lack of a coordinated program and the lack of any adequate organization to carry on control. Until these shortcomings are corrected there is no possibility of controlling the current outbreaks.
 - d. It is important the infestation be controlled as rapidly as possible since pine is the only commercial timber tree on extensive areas. The loss of pine through insect attacks and improper control is depriving many communities of their major source of revenue as well as creating excessive soil erosion and flood conditions, the result of denuded watersheds. The annual timber loss in the seriously infested areas exceeds growth. This condition is spreading and Japan's economy can not sustain for long this type drain of a critical natural resource.

encl 2

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NR 536 (20 Jan 50)Fo

5. Recommendations: The following recommendations cover the principal needs for improving the pine bark beetle control program in Japan. More detailed recommendations are contained in a comprehensive memorandum for record now being drafted on all phases of the mission. It is recommended:

- a. That the national and prefectural control organizations be reorganized to eliminate excessive supervisory personnel and to establish a direct line of responsibility between the control organization and the forestry departments of the prefectures and the national government. Until this recommendation is carried out, no effective control of pine bark beetles will be possible.
- b. That a comprehensive and coordinated detection survey program be developed to determine the status of pine bark beetle infestation throughout the country. There is at present no real program to provide the basic data that are necessary for planning control projects.
- c. That control be undertaken only on areas of real need as determined from the survey. At present some control is being done impractically every prefecture; whereas, probably only eight to 10 prefectures are in need of control. By directing control to the areas where it is needed and eliminating control on other areas, the over-all costs of control can be reduced and at the same time control can be made more effective where outbreaks are in progress.
- d. That the national government exercise close supervision over the control work that is done by the prefectures with national subsidy money. Bark beetle control is a problem that must be pushed aggressively by both the national and prefectural governments. To be fully effective, the control work must be carried out thoroughly and efficiently in all prefectures. At present there are wide differences in the way the control work is done.
- e. That the national and prefectural laws and regulations be modified to enable governmental representatives to do control work on lands of non-cooperative forest owners. Penalty clauses are needed to assure compliance. Provision should be made in the national forest law to give the Minister of Agriculture and Forestry discretionary power to conduct control operations or to delegate his power to the prefectures.
- f. That the present practice of felling the infested trees and peeling and burning the bark of infested trees be retained as the principal direct control measure, but that the practice of clear cutting entire stands for bark beetle control be discontinued. Selective removal of infested trees only is recommended.
- g. That longterm studies be undertaken to determine the best methods of managing pine stands so as to make them beetle-resistant and thereby reduce the need for direct control measures.

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NR 536 (20 Jan 50)Fo

h. That Japanese forest protection specialists and students be given an opportunity to study methods in the United States.

Copy furnished:
Ch. Management, Organization,
and Manning Level, G-1

ROBERT L. FURNISS
Visiting Expert
Forestry Division

COPY

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/va

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Bill for Exterminating and Preventing Pine Bark Beetles

C. W.

File: 010(17 Feb 50)ESS/PT

WFM/EMR/AMM/BNL/eb

Mr. Larsen, 26-6142

From: ESS

To: Govt Sec

27 FEB 1950

2

There is no objection to the introduction in the Diet of the draft Bill for Exterminating and Preventing Pine Bark Beetles, as proposed by the Agriculture & Forestry Ministry.

1 Incl:

n/c

-W.F.M.-

13

BILL FOR EXTERMINATING AND PREVENTING PINE BARK BEETLES
FOM 112

- ✓ 1. In Art 3 there are no provisions for hearings whereby land owners may present evidence as to the necessity of action by the Minister, nor is there any provision for appeal from his decision. Some type of notification, appeal and public hearing should be provided.
- 2 2. Par 2, Art 3, limiting the amount of compensation paid under Art 8 should be eliminated because property owners might not be fully compensated for their losses.
- ✓ 3. Under Art 8, standards and procedures for the determination of losses and the right to appeal should be included.
- ✓ 4. Under Art 12, other pests and diseases are mentioned. Therefore the title of the bill should be changed to "Bill For Preventing and Controlling Pine Bark Beetles and Other Destructive Forest Pests and Diseases." Art 1 should be changed to read: "other destructive forest pests and diseases".
- ✓ 5. A new paragraph should be added to Art 2 as follows: "Other destructive forest pests and diseases" in this article shall mean any forest insect other than pine bark beetles, and rodent and any fungus or virus which infect forest trees and are detrimental to their growth.
6. In Art 4, ¶para 1, items (1) or (2) should be changed to read: "par 1, items (1), (2) or (4)".

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JH/JW/CTG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **LS/LW**

Date: **13 March 1950**

revised

1. Immediate introduction of the attached/draft bill in the Diet is proposed by **the Agriculture & Forestry Ministry.**

2. Your prompt comment is requested.

1 Incl

**Bill for Exterminating &
Preventing Pine Bark Beetles
and Other Destructive Forest
Pests and Diseases**

Cy to NRS

C. W.

P & P DIV

13

Bill for Exterminating and Preventing Pine Bark Beetles
and Other Destructive Forest Pests and Diseases (Revised)

3/13

From: LS

To: GS

L.A. OTTO, JR.-2635-420
Date: 16 March 1950

2.

1. LS objects to Article 16 because in effect this provision creates a conclusive presumption of guilt on the part of an employer, either a natural or a juridical person, for the criminal acts of his employees or agents even in cases where the individual employer or the responsible officers of the juridical person are innocent.

2. Attention is invited to the fact that in Article 2 and in subsequent Articles in each instance where the term "pine bark beetles" occurs, the Japanese version contains the additional term "et cetera", which, according to representatives of the Forestry Agency of the Ministry of Agriculture and Forestry, means other borers similar to the pine bark beetles, which infest cedars and other trees. Since the term "et cetera" is vague and general, and might be interpreted to give extremely broad powers to the minister concerned, it is suggested that the term "and other similar borers" or "or other similar borers", according to the context, be substituted for "et cetera" in the Japanese version, and that the English translation be corrected accordingly.

In the title to the bill, and in Article 1, the Japanese version does not include the term "et cetera". It is suggested that since this term is used throughout the remainder of the bill, the term "and other similar borers" should be inserted after the term "pine bark beetles" in the title and in Article 1. The

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Rec'd GS
3/17/50

Revised L.A. OTTO, JR. 2635-420
~~Bill~~ for Exterminating and Preventing Pine Bark
Beetles and Other Destructive Forest Pests and
Diseases.
16 March 1950

LS

GS

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Cont'd)

title and Article 1 do mention "other destructive forest pests and diseases", but this phrase, according to the Japanese representatives, does not include the "other similar borers" elsewhere referred to as "et cetera", but rather is a reference to Article 12, which provides that such law may be extended by Cabinet Order to "any forest noxious insect other than pine bark beetles, et cetera, any pest, fungi or virus".

3. Attention is also called to the following mistranslations:

a. In Article 12, the term "fungi" should read "fungus".

b. Article 16, which is objected to in Paragraph 1 above, should read: "In case where a representative of a juridical person, or an agent, employee or others working for a juridical person or a person, has committed violations under the preceding three Articles", etc.

1 Incl: w/d

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

615

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) *Q* **GW/JN/JW/CFG/vs**

Subject: Draft Legislation

Capt. Guida
26-6076

Note No.

From: Govt Sec

To: NRS

Date: 13 March 1950
revised

1. Immediate introduction of the attached/draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Bill for Exterminating &
Preventing Pine Bark Beetles
and Other Destructive Forest
Pests and Diseases

Cy to LS/L&J

for C. W.

HGS/HBD/PAI/ad
Mr Ineson, 26-7192

2

FROM: NRS

TO: GOVT SEC

DATE: 14 MAR 1950

NR approves this bill and urges its immediate introduction in the Diet.

1 Incl:
n/c

for H. G. S.

*Recd GS
3/14/50*

13

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 37-6010)

Feb. 16, 1950

1. FOM Number: 111
2. Name of Bill: Law for Partial Amendments
to the Agricultural Cooperative Association
Law.
3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: Feb. 7
5. SCAP Section concerned: Mr. G. H. Word;
Economic Branch, Agricultural Division, NRS.
6. Remarks: (reference):
Copies of Agricultural Cooperative Association
Law (Law No. 132 of 1947) are attached herewith.
.....
.....
.....
7. G.S. Reviewers:

QS: NRS
ESS
LS/KJ

Received by GS

Date 2/16/50

(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) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: ESS

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Partial Amendments to the
Agricultural Cooperative
Association Law

C. W.

P & P DIV

14

Agr + Forestry

From: ESS

To: GS

WFM/ECW/px
E.C. Welsh, 26-6561
3 March 1950

2.

1. Reference is C/N 1 from GS to ESS, 17 February 1950, requesting comment regarding draft-amendments to the Agricultural Cooperative Association Law.

2. ESS has the following basic objections to reference draft legislation:

a. Article 10, paragraph 1, Item (2), constitutes an enlargement of the banking functions of cooperative associations. It is highly questionable for agricultural cooperatives to engage in banking functions. However, it is particularly objectionable to have agricultural cooperatives expand their limited permissive banking functions under present conditions of a high degree of irresponsibility in the credit structure. The present precarious financial condition and technical insolvency of many agricultural cooperatives further strengthens this objection.

b. Article 10, paragraph 6, likewise contains objectionable features of permitting federations of agricultural cooperative associations to discount bills, guarantee loans, and engage in exchange transactions. The minimum necessary amendment to this feature of reference draft is the necessity for limiting the exchange function to domestic exchange.

c. Article 52 is objectionable in that it has the

*162nd GS
3/3/50*

14

(17 Feb 50)ESS/FTP,
Subj: Draft Legislation 3 MAR 1950

effect of removing agricultural credit cooperatives from the essential supervision required of all banking institutions. It should be emphasized that standards for cooperatives, to the extent that they are permitted any banking functions, should be based on the same sound security grounds as those affecting other banking institutions.

d. Article 94, paragraph 2, is objectionable in that it gives undue authority to government officials to investigate the affairs of cooperatives whether or not any evidence of violation of law exists.

1 Incl

- R/S -

----- W. F. 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) **CW/JB/JW/CHE/vs**

Subject: Draft Legislation

Capt. Morris

26-6076

Note No.

From: Govt Sec

To: **LS/LAJ**

Date: **17 February 1950**

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

**Partial Amendments to the
Agricultural Cooperative
Association Law**

C. W.

P & P DIV

14

Ag & Forestry
Agricultural Coop Association
Law

2

From: LS

To: GS

R H Neptune - 2635-479
Date: 3 March 1950

1. The basic law, Law No. 132, 1947, the Agricultural Cooperative Association Law, recognizes the cooperative associations as a means to increase agricultural productivity and improve the status of farmers, describing their business, membership, administration, etc., and prescribing penalties. This amendment:

- a. clarifies the permissible business activities of the associations; limits the functions in which a single cooperative may engage and more accurately defines their scope;
- b. authorizes Cabinet Order to provide standards of financial management (in addition to that provided specifically in the law);
- c. prescribes voting procedures, defines reports required, provides for audit; and
- d. prescribes penalties.

2. Article 95 authorizes the administrative authorities to "order the association to take appropriate corrective action" if the reports or investigations (provided for in previous Art.) disclose "probable violation" of laws, ordinances, etc. The amendment proposed to Article 100 makes punishable a person who "violates pay

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(cont'd)

orders issued under the provisions of Article 95^a. The authority to order is very broad; however, it is dependant upon the extremely vague expression "probable violation". Though the act or refusal to obey an order may be clear, if the order is based upon a probability, the act of refusal and the resultant penalty must be considered as being based upon the probability too. This does not meet the general requirement that penal statutes be clear and explicit. The amendment to Article 100 is objectionable.

3. Whether the permission in part of the supplementary provisions which allows continuation of unauthorized business for one year is necessary is a question of fact and policy with which LS has not concerned itself.

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) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: NRS

Date: 17 February 1950

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Partial Amendments to the
Agricultural Cooperative
Association Law

C. W.

2

From: NR

U

To: GS

Miss D.C. Goodwin - 26-7860

HGS/MBW/JLC/DCG/deg

Date:

20 FEB 1950

NR has no objection to the proposed partial amendments to the Agricultural Cooperative Association Law.

1 Incl

w/d

H. G. G.

*Recd GS
2/21/50*

AMENDMENTS TO THE AGRICULTURAL COOPERATIVE ASSOCIATION LAW FOM 111

1. Art 10, par 1, Item (2): Agricultural cooperatives should not expand their limited permissive banking functions under present conditions of a high degree of irresponsibility in the credit structure.
2. Art 10, par 6: Federations of agricultural cooperatives should not engage in discounting bills, guaranteeing loans and engaging in exchange transactions.
3. Art 52 removes agricultural credit cooperatives from the essential supervision required of all banking institutions. Standards for cooperatives should be based on the same sound security grounds as those affecting other banking institutions.
4. Art 94, par 2 gives undue authority to government officials to investigate the affairs of cooperatives whether or not any evidence of violation of law exists.
5. Art 100 is not explicit and clear. The vague expression "probable violation" is not good legislative wording.
- 6.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CW/JN/JW/CFG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No. From: Govt Sec To: **ESS** Date: **13 March 1950**

1.

1. Immediate introduction of the attached ^{revised} draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Partial Amendment to the
Agricultural Cooperative
Association Law

Cy to LS/L&J, NRS

C. W.

[Signature]
WFM/FRJG/JCS/HJR/21
Mr. Robinson, 33-7052

24 MAR 1950

2.

From: **ESS**

To: Govt Sec

1. ESS has no objection to the attached partial amendments as they have corrected the basic objections referred to in check note No. 2 from ESS to Govt Sec dated 3 March 1950.

1 Incl
n/c

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

Recd GS 3/4

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) **CW/JN/JW/CPG/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **LS/LAJ**

Date: **13 March 1950**

revised

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Partial Amendment to the
Agricultural Cooperative
Association Law

Cy to ESS, NRS

C. W.

P & P DIV

14

Regulator Copy Assent
2/13

From: LS

To: GS

R H Neptune - 2635-479

Date: 14 March 1950

- 2 1. No legal objections. This revised draft bill eliminates the objectionable part of the draft bill which was reviewed by LS check sheet dated 3 March 1950.

1 Incl:
w/d

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

Rec'd GS
3/17

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) **CW/JH/JW/CPQ/vs**

Subject: Draft Legislation

Capt. Guida

26-6076

Note No.

From: Govt Sec

To: **NBS**

Date: **13 March 1950**

revised

1. Immediate introduction of the attached/draft bill in the Diet is proposed by the **Agriculture & Forestry Ministry**.

2. Your prompt comment is requested.

1 Incl

**Partial Amendment to the
Agricultural Cooperative
Association Law**

Cy to ESS, LS/LAJ

C. W.

P & P DIV

14

CW/JN/JW/CFG/vs

Subject: Draft Legislation

Capt. Guida

Note No. From: Govt Sec To: NRS Date: 26-6076
13 March 1950

1.
1. Immediate introduction of the attached revised draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.
2. Your prompt comment is requested.

1 Incl
Partial Amendment to the
Agricultural Cooperative
Association Law

Cy to ESS, LS/L&J

-C.W.-

2 From: NR To: GS

Mr G. H. Ward - 26-7860
HSS/MBW/JLG/GHW/daj
Date:

21 MAR 1950

1. References:

- a. NR check note 2 to c/s, GS to NR, subj: Draft Legislation re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.
- b. ESS check note 2 to c/s, GS to ESS, subj: Draft Legislation re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.
- c. LS check note 2 to c/s, GS to LS, subj: Draft Legislation re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.
- d. NR check sheet to GS, file NR 312.1 (16 Mar 50)A, subj: Draft Amendments to the Agricultural Cooperative Association Law, 16 Mar 50.

2. As noted in ref 1a, NR had no objection to the proposed amendments to the Agricultural Cooperative Association Law as originally submitted by the Japanese Government. NR reached agreements with HSS and LS, however, concerning objections raised by those sections in ref 1b and 1c and notified the Ministry of Agriculture and Forestry accordingly. NR also informed GS in check sheet, ref par 1d above, of NR approval with

Rec'd GS 3/4

14

GN #2
(Cont)

consurrence from NSS and LS. The revised draft of the bill received by NR from GN as an incl to check note 1 is in conformity with these agreements.

3. NR approves the revised draft legislation and recommends its enactment by the Diet.

1 Incl
w/d

-----H.C.S.-----

Mr C. H. Ward - 26-7860
ESS/MHW/JLC/CHW/daj

NR 312.1 (16 MAR)A

Draft Amendments to the Agricultural Cooperative
Association Law

NR

GS

16 MAR 1950

1

1. References:

a. NR check note 2 to c/s, GS to NR, subj: Draft Legislation
re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.

b. ESS check note 2 to c/s, GS to ESS, subj: Draft Legislation
re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.

c. LS check note 2 to c/s, GS to LS, subj: Draft Legislation
re draft amendments to the Agricultural Cooperative Association Law, 17 Feb 50.

2. As noted in ref 1a, NR has no objection to the proposed amendments to
the Agricultural Cooperative Association Law as received by NR from GS. NR
has reached the following agreements with ESS and LS, however, concerning
objections raised by these Sections in ref 1b and 1c.

a. The objections of ESS raised in ref 1b have been resolved by
agreement as follows:

(1) The addition to Article 10, par 1, Item (3) will be deleted
from the proposed bill.

(2) In the amendment to Article 10, par 6, the word "domestic"
will be inserted so that the clause in question will be read,
"or engage in domestic exchange transactions in accordance
with the provisions of the Cabinet Order pertaining thereto".

(3) One purpose of the proposed new Article 52-2 is to provide
authority for issuance of regulations governing exercise of
banking functions by agricultural cooperatives pursuant to
Article 10, items 1 and 2 of the Agricultural Cooperative
Association Law. Under existing legislation (Banking Law,
Law No 21, 30 March 1947) specific authority does not exist
for the issuance of regulations covering the handling of
deposits and loans by agricultural cooperatives. When and
if new banking legislation is enacted, it will, of course,
automatically modify the provisions of the Agricultural
Cooperative Association Law covering banking activities of
cooperatives if the two laws are in conflict. The Cabinet
Orders authorized by Article 52-2 establishing standards for
financial management by cooperatives will be subject to con-
currence by ESS. Under these circumstances, ESS has no
objection to the proposed amendment.

14

NR 312.1 (16 MAR 1950)
A

CN #1
(Cont)

(4) The proposed amendment to Article 94, par 2, reading "When it is deemed necessary to insure compliance by such association with applicable laws, ordinances, measures taken under such laws or ordinances by the said authorities and also the articles of incorporation and by-laws which have been adopted." will be deleted from the bill.

b. The objection of LS noted in ref lb to one provision of the proposed amendment to Article 100 has been met by the Ministry of Agriculture and Forestry agreeing to strike out the words "or violates any of the orders issued under the provisions of Article 95." NR concurs in this deletion.

3. Concurrences: ESS (Col Ryder) (Lt Col W. T. Ryder)

LS acc by Neptune (R. H. Neptune)

-----H. G. S.-----

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 87-6010)

February 17, 1950

1. FOM Number: 120
2. Name of Bill: Bill concerning Improvement & Increased production of Livestock
3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: February 14, 1950
5. SCAP Section concerned:
Mr. R. R. Ritchie, NRS, GHQ, SCAP
6. Remarks: (reference):
None
.....
.....
.....
.....
.....
7. G.S. Reviewers:

CS:
LS/LJ
ESS
PHW
NRS

Received by CS
Date 2/17/50

(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) CW/JN/JN/CNN/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: LS/L&J

Capt. Norris

26-6076

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Improvement & Increased
Production of Livestock

C. W.

P & P DIV

15

Ay + Forestry
2/17

The Law Concerning Improvement & Increased Production
of Livestock

From: LS

To: GS

L.A. Otto-2635-420
Date: 13 March 1950

2.

1. IS objects to subject bill for the reasons stated in paragraph 3.

2. By this bill the Breeding Stock Law (No. 155 of 1948) is repealed and new provisions largely based on the old law with modifications are provided. In addition a new chapter on artificial insemination is provided. The features of the bill include compulsory inspection and registration of breeding stock by the Minister of Agriculture and Forestry, licensing and training in artificial insemination, and establishment of registration societies. Hearings are provided before licenses under the bill can be revoked for cause.

3. IS objects to article 46, which imposes a penalty on juridical persons and individual employers for violations committed by employees or other persons "in connection with the business of the said juridical persons or person". According to a representative of the AGO, this term refers to acts done "for the profit or benefit" of the juridical person or individual employer, and raises what amounts to a conclusive presumption that the juridical person or individual employer had knowledge of, condoned or authorized the unlawful acts and is criminally responsible. IS objects to this provision because of the conclusive presumption of guilt imputed to the employer.

Recd GS
3/14/50

15

L.A. OTTO, Jr.-2635-420

Law Concerning Improvement & Increased Production
of Livestock

LS

GS

13 March 1950

2.
(Cont'd)

4. Attention is called to the following errors in translation:

✓ a. In Article 8, Par. 2, "grants", "cancels", "suspends", and "releases", should read, respectively, "granting", "canceling", "suspending", and "releasing".

✓ b. In Article 40, Par. 3, "shall not be construed as being limited to a criminal investigation" should read "shall not be construed as being for a criminal investigation."

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) CW/JH/JW/CHM/vs

Subject: Draft Legislation

Capt. Morris

28-6076

Note No. From: Govt Sec

To: ESS

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Improvement & Increased
Production of Livestock

C. W.

P & P DIV

15

4/7

Improvement + Increased Production of Livestock

(Agri + For)

Del per SM
WFM/ECW/HW/SSM/ld
S. S. Moss 26-6562
MAR 2 1950

From: ESS To: GS Date:

2. 1. Reference is C/N 1 above, requesting comments on inclosed draft bill.

2. No objection is taken to this proposed bill with the exception of Article 33 which provides for the establishment of a livestock registration society. This society would be organized under the proposed statute to register livestock and carry out necessary business connected therewith. Its internal regulations and practices would be subject to the close supervision of the Minister of Agriculture and Forestry.

3. ESS interposes objection on firm occupation policy grounds that this constitutes establishment of a juridical person for the performance of control functions, which control functions would be beyond the scope of existing Japanese fair trade legislation.

1 Incl
m/c

W. F. MOYER, Lt. Col., AGD
W. F. M.

Rec'd GS 3/7

Copy Sent to NRS (Goodwin) 3/7

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) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Note No.

From: Govt Sec

To: NRS

Capt. Norris
26-6076

Date: 17 February 1950

1.

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Improvement & Increased
Production of Livestock

[Handwritten signature]
C. W.

Miss D.C. Goodwin - 26-7860

HGS/MEW/JIC/DCG/dem

Date: 23 FEB 1950

2.

From: NR

To: GS

NR has no objection to the proposed draft bill, "Improvement and Increased Production of Livestock."

1 Incl

w/d

[Handwritten signature]
H. G. S.

Rec'd GS 4/3

15

IMPROVEMENT AND INCREASED PRODUCTION OF LIVESTOCK FOM 120

1. In Art 8, par 2, grants, cancels, suspends, and releases should read respectively, granting, canceling, suspending and releasing.
 2. Art 33: This article provided for establishment of a livestock registration society. SCAP policy is violated in this establishment of a juridical person for the performance of control functions, which control functions would be beyond the scope of existing Japanese fair trade legislation.
 3. Art 40, par 3: "shall not be construed as being limited to a criminal investigation" should read "shall not be construed as being for a criminal investigation."
 4. Art 46: This provision is objectionable because of the conclusive presumption of guilt imputed to the employer.
-

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CFG/gb

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: NRS

Date: 26-6076
10 April 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by ~~the house of representatives.~~

2. Your prompt comment is requested.

1 Incl
Amendment to Bill concerning
Improvement and Increased
Production of Livestock

By to ESS

C. W.

P & P DIV

15

H.R. Amendment
Improvement & Increased Production of Livestock

2

From: HR

To: GS

J L Cooper - 26-7949
HGS/MBW/JLC/mhk
Date:

20 APR 1950

1. Article 2 of the proposed amendment to bill concerning improvement and increased production of livestock would authorize prefectural governments to supply private farms with livestock, to produce livestock on government farms within budgetary limitations and to establish plans for increasing or eliminating such breeding stock as necessary to insure the improvement and increased production of livestock.

2. HR objects to the amendments referred to in par 1 above insofar as they authorize the government to do the following:

a. Subsidize livestock production on private farms.

b. Execute compulsory weeding out of breeding stock on private farms.

3. The opinion of this section is that standards for improving livestock, except those applying to contagious diseases, should not be forcibly applied to private owners.

Recd 65
4/20/50

15

C/S GS to NR, Subj: Draft Legislation, 10 Apr 50

CN #2
(Cont)

4. NR would have no objections to the amendments referred to in check note 1 if their application is modified in accordance with pars 2 and 3 above.

1 Incl
w/d

----- H. G. S. -----

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JH/JW/CPG/GB

Subject: Draft Legislation

Note No.

From: Govt Sec

To: ESS

Date: 10 April 1950

Capt. Guide
26-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.

2. Your prompt comment is requested.

1 Incl

Amendment to Bill
concerning Improvement
and Increased Pro-
duction of Livestock

Cy. to NRS

C. W.

P & P DIV

15

H.R. Amendment.

Improvement & Increased Production
of Livestock

4/10/50

File: 010(10 Apr 50)ESS/PF

From: ESS

To: Govt Sec

Sec
Am
WFM/EMR/AMM/BNL/eb
Mr. Larsen, 26-6142

2

1. Reference is made to the attached Amendment to Bill Concerning Improvement and Increased Production of Livestock proposed for introduction in the Diet by the House of Representatives.

2. It is suggested that Paragraph II of Article 2 be corrected to state that "The State, or To, Do, Fu, or prefectures may take," instead of "shall"take") as this change permits discretionary powers in lieu of mandatory action. Otherwise, there is no objection to the introduction of this amendment.

*Need to
4/20/50*

1 Incl:
n/c

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

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) **CH/JH/JW/CH/GB**

Subject: Draft Legislation

Capt. Morris

Site No.

From: Govt Sec

To: **ESS**

Date: ²⁶⁻⁶⁰⁷⁶ 20 April 1960

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Councillors.**

2. Your prompt comment is requested.

1 Incl
Amendments to Bill for
Law concerning Improvement
and Increased Production
of Livestock

Cy to NRS

C. W.

P & P DIV

15

From: ESS

To: GS

R. M. *W. F. M.* 26-6626
WMI/ECW/MG/Ld

Date: 25 APR 1950

2.

ESS interposes no objection to introduction of the attached draft bill in the Diet.

1 Incl
w/d

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

(15)

CW/JN/JW/CHN/gb

subject; Draft Legislation

Capt. Norris

Note No.

From: Govt Section To: NRS

26-6076
Date: 20 April 1950

1

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.

2. Your prompt comment is requested.

1 Incl

Amendments to Bill for Law concerning Improvement and Increased Production of Livestock

Cy to ESS

-C.W.-

From: NR

To: GS

Mr S. Takahashi - 26-7860

HGS/MBW/JIC/ST/daj

Date: 26 APR 1950

2

NR has no objection to the proposed Amendments to Bill for Law concerning Improvement and Increased Production of Livestock.

1 Incl

w/d

-H.G.S.-

*Recd 65
4/26/50*

15

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 37-6010)

February 17, 1950

1. FOM Number: 118
2. Name of Bill: Plant Quarantine Bill

3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: February 1, 1950
5. SCAP Section concerned:
Mr. Robert, Agriculture Div., NRS, GHQ, SCAP

6. Remarks: (reference:)
 - a. Compensation against Agricultural Loss Law
.....
(Law No. 185 of 1947) Official Gazette Extra. 1;
December 15, 1947.....
 - b. Law concerning Gratuitions Lending and Transfer,
etc. of State Goods (Law No. 229 of 1947),
Official Gazette No. 526, December 23, 1947.....
.....

7. G.S. Reviewers:

OS: NRS
ESS
LS/LJ

Received by GS
Date 2/17/50

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) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: LS/LAJ

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Plant Quarantine Bill

C. W.

P & P DIV

16

Ag. & Forestry
Plant Quarantine Bill
2/17

From: LS

To: GS

R H Neptune - 2635-479
Date: 14 March 1950

2

1. This bill

a. provides for limiting or prohibiting importation of plants designated by the Minister and for inspecting all imports; it authorizes order of disinfection and destruction and provides that standards of action shall be determined by the Minister.

b. provides for establishment of domestic plant quarantine service by Minister, requiring yearly inspection on designated plants, and requiring certification before sale or transfer.

c. authorizes Minister powers of control for emergencies, including destruction, and provides state indemnity against loss due to exercise of emergency authority.

d. authorizes Co. Do. Fu, or Prefecture to control and enforce the quarantine of plants or take necessary measures to prevent spread of injury.

e. establishes a council advisory to the Minister.

f. prescribes penalties.

2. The following objections are made:

a. Article 4 par 3 contains an excessive delegation of legislative authority "the qualification number and term of

Rec'd GS
3/17

16

Draft Legislation (cont'd) re: Plant Quarantine Bill

2
(cont'd) offices for the members of Plant Quarantine Council and other necessary matters" shall be provided for by Cabinet Orders. At least the qualification, number, term, and status under EPA should be provided in the law.

b. Articles 8, 12, and 14 authorize the Minister to designate plants prohibited to be imported, sold or transferred and to establish procedures and standards for action. There is no provision for public hearing or any check on the misuse or abuse of these powers. It is recommended that public hearing provisions similar to those included in Sections 5, 7, 8 of the United States Plant Quarantine Act of August, 1912, as amended be included in this law. (The U.S. law is in the hands of the Japanese Government officials.)

c. No appeal from the order of the officials or a review of the facts is provided. Provisions in the following sense are recommended:

(1) Any interested person who is dissatisfied with the orders issued under this law may lodge a complaint with the Minister of Agriculture and Forestry within ten days from the day of notification of such order by submitting a document wherein the complaint and the reasons thereof are stated. The Minister shall make a decision to the complaint after holding a public hearing by informing, in advance, the person concerned of the date and place thereof and offering him or his representative an opportunity to present his evidence and opinion.

(2) Any person aggrieved by a final decision rendered by a government agency under this law is entitled to a judicial review thereof including a review of the facts as well as a review of the questions of law.

d. Article 27 would create a conclusive presumption of guilt on the part of an employer (natural or juridical) for the criminal acts of his employees or agents even in cases where in reality the individual employer or the responsible officers of the juridical person are completely innocent.

3. It should be noted that the law establishes an advisory Council, provision for which has been recently discouraged by SCAP and the Japanese Government.

1 Incl:
w/d

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

16

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris 26-6076

From: Govt Sec To: ESS

17 February 1950

1

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.
2. Your prompt comment is requested.

1 Incl
Plant Quarantine Bill

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

S. M. Fine 26-6565

WFM/SMP/nd

2

From: ESS To: GS

3 March 1950

1. Although bill transmitted by c/n 1 above is not a matter of primary interest to this section comments as requested follow.

2. Reference bill proposes to prohibit or control the importation and use of plants and animals considered injurious to crops (Art. 1). The implementation of the very vague definitions (Art. 2), the designation of injurious plants and animals, and the issuance of orders requiring the removal or destruction of same and other important matters are committed to the decision of a Plant Quarantine Council (Art. 4, para. 2), to be created by Cabinet Order (Art. 4, para. 3).

3. The creation of a Council with powers to legislate as well as the absence of definite standards, substantive or procedural, is considered to conflict with Article 41 of the Japanese Constitution which states the Diet shall be the sole law making organ of the State. It further appears undesirable to leave to future cabinet orders matters of Council personnel, their qualifications, number "and other necessary matters" (Art. 4, para. 3).

4. The establishment of a Council as proposed, the membership of which will probably consist of private industry representatives who will control an industry in the name of the government,

Recd 95
3/3/50

16

(17 Feb 50)GS
Subj: Draft Legislation 3 MAR 1950

will conflict with SCAPINs 1108 dated 6 August 1946, 1394 dated 11 December 1946, and 1860 dated 16 February 1948, as well as Cabinet Order No. 56 of 1946 and MSB Instruction No. 3 of 16 June 1947 prohibiting control associations and substitutes therefor.

5. It is recommended that the Japanese Government be advised of the undesirability of the features noted above.

1 Incl
n/c

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

(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) CW/JN/JW/CHH/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: WIS

Date: 17 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Plant Quarantine Bill

C. W.

P & P DIV

16

Agriculture & Forestry

From: HR

To: GS

Lt Col Barnett, 26-6810
HRS/MWR/WG/WFB/la
Date: 27 FEB 1950

2

HR has no objections to the Plant Quarantine Bill as proposed.

1 Incl
n/c

----- H. O. S. -----

Rec'd GS
2/28/50

16

PLANT QUARANTINE BILL FCM 118

1. Art 2: The definitions are very vague.
2. Art 4, par (2) and par (3) It is highly objectionable to establish a Council with powers to legislate; there are no definite standards, substantive or procedural, which is in direct violation with Article 41 of the Japanese Constitution. Further, it is highly undesirable to leave to future Cabinet Orders matters of the Council personnel, their qualifications, number "And other necessary matters".
3. The establishment of the Council is also in violation of SCAPINs 1108, 6 Aug 1946; 1394, 11 Dec 1946; and 1860, 16 Febr 1949, as well as Cabinet Order No. 56 1f 1946 and ESB Instruction No. 3, 16 June 1947.
4. Articles 8, 12, and 14 authorizes the Minister certain prohibitive powers, but there is no provision for public hearing, appeal, or any check on the misuse or abuse of these powers.
5. Article 27 creates a conclusive presumption of guilt on the part of the employer (natural or juridical) for the criminal acts of his employees.

Ev - - - - -

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JN/CPG/vs

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: ESS

Date: 23 March 1950

Att: Mr. Fine

revised

1. Immediate introduction of the attached/draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Plant Quarantine Bill

Cy to LS/LAJ, NRS

C. W.

no sig. 3/27

16

2

From: ESS

To: GS

I. Eganston 26-6664
RFM/CLW/LMS/IE/sm
Date: 29 March 1950

1. Reference is C/N 1 from GS to ESS, dated 23 March 1950, requesting comment on the revised Plant Quarantine Bill.
2. ESS interposes no objection to the Plant Quarantine Bill, as revised.

Incl
Plant Quarantine Bill w/d
Memo for File, dated 28 March 1950

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

Rec'd GS 3/19

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) **CM/JM/JM/CFG/vs**

Subject: Draft Legislation

Capt. Guida

Note No.

From: Govt Sec

To: NRS
Att: Lt.Col.Barnett

Date: 26-6076
23 March 1950
revised

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Plant Quarantine Bill

Cy to ESS, LS/L&J

C. W.

no obj. 3/27

16

P & P DIV

Lt Col N. P. Barnett, 26-6810
RGS/MWR/HFE/my
Date: 28 MAR 1950

From: NR To: GS

2

NR has no objection to revised Plant Quarantine Bill.

1 Incl
v/d

-----H. G. S.-----

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) CW/JN/JW/OTG/vs

Subject: Draft Legislation

Capt. Guide

Note No.

From: Govt Sec

To: LS/L&J
att: Mr. Neptune

Date: ²⁶⁻⁶⁰⁷⁶ 23 March 1950
revised

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl
Plant Quarantine Bill

Cy to ESS, NRS

C. W.

16

P & P DIV

Ag. & For
Plant Quarantine
Revised text
3/23/

From: LS

To: GS

R H Neptune - 2635-479
Date: 24 March 1950

2

1. LS has no further legal objections to this revised draft bill, since it complies with the written suggestion furnished to the Japanese officials by Government Section subsequent to our review of the original draft bill.

Incl:
w/d

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

Recd GS
3/27/50

(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) CW/JH/JW/CHH/cb

Subject: Draft Legislation

Note No. From: Govt Sec To: LS/LJ Date: ²⁶⁻⁶⁰⁷⁶ 8 April 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.

2. Your prompt comment is requested.

1 Incl
Proposed Amendments to
Plant Quarantine Bill

Cy to NRS, ESS

C. W.

P & P DIV

16

H.C. Amendment.
Plant Quarantine Bill
4/8

From: LS

To: GS

R E Neptune - 2635-479
Date: 15 April 1950

2

1. The proposed amendment merely refines the language and makes adjustment to the Ministry of Agriculture and Forestry Establishment Law.
2. There are no legal objections.

1 Incl:
w/d

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

Recd 65
4/18/50

(16)

CW/JM/JW/CHM/gb

Capt. Morris
8 April 1950

NRS

the House of Councillors.

Proposed Amendments to
Plant Quarantine Bill

Cy to ESS, LS/LJ

P & P DIV

16

From: NR

To: GS

Lt Col W.P. Barnett, 26-6810
HQS/MWR/VC/NFB/1a

Date:

15 APR 1950

NR has no objections to the proposed amendments to the Plant
Quarantine Bill.

1 Incl
w/d

-----H. G. S.-----

APR 15 1950
NOTARY
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) CW/JN/JW/CHE/SB

Subject: Draft Legislation

Note No.

From: Govt Sec

To: ESS

Capt. Morris
26-6076
Date: 3 April 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Councillors.
2. Your prompt comment is requested.

1 Incl

Proposed Amendments to
Plant Quarantine Bill

Cy to NRS, IS/LJ

C. W.

P & P DIV

16

4/8

Content of Plant Quarantine bill
(AYF)

2

From: ESS To: GS

I. ~~26-6664~~ 26-6664
WFM/PC/LNS/IE/sm
Date: 13 April 1950

1. Reference is C/N 1 from GS to ESS, dated 8 April 1950, requesting comment on Proposed Amendments to Plant Quarantine Bill.
2. ESS interposes no objections to the proposed amendments.

Incl.
w/d

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

Rec'd GS 4/13

16

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(FML. 27-6010)

February 18, 1950

1. FOM Number: 132
2. Name of Bill: Bill for Prevention of Exhaustion
of Marine Resources

Ministry of Agriculture &
Forestry

3. Competent Ministry: Forestry
4. Date of Cabinet Approval: February 11, 1950
5. SOAP Section concerned:
Mr. W. C. Neville, Fishery D. NRS, CHQ

6. Remarks: (reference):
The Fisheries Law is attached herewith.

7. S.S. Reviewers:

CS:
NRS
ESS
LS/W

Received by

CS

Date

2/18/50

17

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

((Do not remove from attached sheet))

GW/JW/JW/CHH/ehh

Subject: Draft Legislation

Note No.

From: Govt Sec

To:

Date:

Capt. Harris
25-6076

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

IS/LJ

18 February 1960

2. Your prompt comment is requested.

Ministry of Agriculture and Forestry

1 Incl

Bill for Prevention of Exhaustion of Marine Resources

C. W.

U

P & P DIV

17

SUBJECT: Draft Legislation

Capt. Norris
26-6076

From: Govt Sec

To: LS/LJ

Date: 18 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by Ministry of Agriculture and Forestry.
2. Your prompt comment is requested.

1 Incl:
Bill for Prevention of Exhaustion
of Marine Resources

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

From: LS/L&J

To: Govt Sec

Kurt Steiner-2635-479
Date: 15 April 1950

2

1. This bill is in substance a revision of the Fisheries Law. It would appear highly advisable to incorporate this bill into the Fisheries Law by way of an amendment, thus maintaining the character of the Fisheries Law as the basic law regulating the fisheries industry rather than scattering such regulations in a number of laws.

2. Article 53 of the Fisheries Law states that the competent Minister must determine the number of ships which shall be permitted to operate certain high sea fisheries considering the aquatic resources and other factors. Subject bill in Article 2 of the supplementary provisions abolishes this article. Article 2 of subject bill authorizes the Minister to determine a prescribed number of licensed fishing boats in case only that an exhaustion of certain marine resources arises. In this case the Minister of Agriculture and Forestry may cancel the licenses in excess of the prescribed number. (Art. 3)

LS believes that advance determination of the number of licenses as envisioned in the above mentioned Article 53 of the Fisheries Law would go far in diminishing the hardships involved

Recd 65
4/18/50

Draft Legislation

LS/L&J

Govt. Sec

7 April 1950

2
cont'd

in cancellation of licenses. The provision of Article 53 should therefore be retained and the provisions of subject bill should become operative only as an adjustment of the number determined under Article 53 becomes unavoidable because of circumstances unforeseeable at the time of the original determination of the number of licenses.

3. In case of cancellation of licenses the bill provides for compensation of the loss "usually caused thereby". (Art. 4) This compensation is determined by the Minister of Agriculture and Forestry on hearing the Central Fisheries Council. Since no provision is made for a hearing of the persons whose licenses are cancelled, it appears that compensation of the "loss usually caused" by the cancellation to be granted in the administrative procedure is to be a general grant of money by classes, etc. rather than a just compensation for the actual loss of the individual operator. The method of payment of the compensation is to be determined by Cabinet Order. This should be amended by stipulating standards for the determination of the compensation in the law, including those standards suggested under item 4 below giving a hearing to the operator before a final administrative decision is made and by stipulating the method of payment in the law.

4. The cancellation of the license will necessitate the discharge of employees engaged in the fisheries. Subject bill in Article 5 imposes a duty on the employer to pay a sum of money to the employee out of the compensation he is to receive. This obligation becomes due, regardless of the time of actual payment of the compensation from the Ministry to the employer, on the day on which the public notice of cancellation of license was given. The amount to be paid to the employer is to be specified by Ministerial Ordinance. LS objects to diminishing the compensation for the employer by imposing upon him this duty, unless in determining the compensation to the employer special provisions are made for the amount which he will have to pay to his employee. Standards for this additional amount should be stated in this bill and should include consideration of the contractual obligations of the employer, etc. The amount to be paid out of the compensation to the employee should not become due before the compensation was actually received by the employer.

5. The penal provision for failure to submit reports in Article 8 of subject bill is in violation of the constitutional safeguard against self incrimination unless a provision is inserted that the reports in question shall not be admissible in a criminal procedure against the person who made the report.

1 Incl:

--w/d--

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

17

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet **FW/JH/JH/CHH/ohm**)

Subject: Draft Legislation

Capt Morris

Note No.

From: Govt Sec . To: **ISS**

26-6076

Date: **18 February 1950**

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

Ministry of Agriculture and Forestry

2. Your prompt comment is requested.

1 Incl

Bill for Prevention of Exhaustion of Marine Resources

C. W.

P & P DIV

17

WPA/BCU/EE
L.C. Walsh, 26-6561
6 March 1950

From: ESS

To: GS

2.

1. Reference is C/N 1 from GS to ESS requesting comment re draft "Bill for Prevention of Exhaustion of Marine Resources."

2. The proposed legislation in its present form conflicts with Occupation policy. It is particularly objectionable since it permits the Ministry to limit the number of persons who may engage in certain types of deep sea fishing without justification and on an apparent arbitrary basis. Attention is called to the basic policy of wide distribution of ownership by the means of production as well as to the basic policy of eliminating laws which encourage private monopolies or which prevent free entry into business.

3. The following comments are made regarding specific features of reference Bill:

a. Article 1 should be amended by the addition of the following: "and to permit the widest practical diffusion of ownership and operation of the means of marine production among the individual fishermen."

b. Article 2, paragraph 1, should be amended by the addition of the following: "and consistent with the aims of Article 1 hereof." (This latter amendment is predicated upon the adoption of the recommendation made above regarding Article 1).

Rec'd GS 3/6

17

(18 Feb 50)ESS, 6 March 50
Subj: Draft Legislation

e. Since the law should not serve to perpetuate private control in an industry, a new Article should be inserted, calling for the expiration of the law after five (5) years from enactment. After such period, renewal or modification would have to be justified through Diet action.

4. In the absence of the above recommended principles, the only means of retaining some semblance of freedom of enterprise and prevention of trade restrictions would be to require shorter seasons, catch limitations, or licenses by lottery among fishermen.

Incl

- N/S - - - - - W. P. 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) CN/JN/JW/CHN/ohn

Subject: Draft Legislation

Note No. From: Govt Sec To: NRS Date: Capt Norris
26-6076
18 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Ministry of Agriculture and Forestry**
2. Your prompt comment is requested.

1 Incl Bill for Prevention of Exhaustion of Marine Resources

C. W.

2 From: NRS To: Govt Sec Date: H. W. Yoo 26-8492
HGS/WCN/HWF/erc
1 MAR 1950

NR has no objection to the introduction of the attached draft bill in the Diet.

1 Incl
w/d

H. G. P.

See attached cs of 3/13/50

Need GS
3/2/50

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

CHECK SHEET

H. W. Yoe 26-8492
HGS/WCH/HWY/erc

(Do not remove from attached sheets)

File No: NR 415 (13 MAR) Fi Subject: Draft Bill "Law for Prevention of Exhaustion of Marine Resources"

Note
No.

From: NRS

To: Govt Sec

Date: 13 MAR 1950

1

1. NR requests that NR Check Note to Govt Sec dated 1 Mar 50 commenting on subject draft bill be disregarded and the following comments be considered.

2. The subject draft bill is designed to provide a medium by which the Japanese Government can decrease the fishing intensity of certain high seas fisheries. It is essential that legislation be enacted for this purpose if the production of food from aquatic resources is to be maintained at present level. Over-exploitation of the trawling grounds in the East China Sea has already resulted in a decreased catch per operating unit. If this continued, the stock will rapidly decrease to the point where it will no longer be economically possible to produce food from this source. Theoretically, excessive depletion of the marine resources of an area can be prevented by limiting the length of season, placing limitations on the total catch to be taken from the area, placing limitations on the catch per boat from the area or limiting the number of operating units authorized to operate in the area. Practical considerations make it impossible to adequately decrease fishing intensity by either of the first three methods in Japan. Therefore, the Japanese Government drafted the subject bill to provide the Government authority to determine through scientific investigation the maximum number of vessels that can be supported by the marine resources of a specified area. Authority is also given the Government to cancel the licenses for vessels in excess of this number and to compensate their holders for immediate losses suffered through this cancellation. Limiting the number of vessels does not prevent freedom of entry into the fisheries involved since those persons desiring to engage in the business are free to purchase an operating vessel and its license.

3. NR recommends that the subject bill be revised in the following manner prior to its introduction in the Diet:

a. Art 2, para 2 be rewritten in a manner to effect the following changes:

- (1) That the Minister not only take into consideration the quantity of marine resources but the productive capacity of the marine resources as well.
- (2) In considering the quantity and productive capacity of marine resources, he utilize the findings of scientific investigations.

b. Art 2, para 3 be rewritten to make it mandatory that the Minister hold public hearings of interested persons prior to determining the prescribed

NR 415 (13 MAR 1950) Fi

number of licenses to be authorized. Further that sufficient public notice concerning the date and place of these hearings be given. The opinion of the Central Fisheries Adjustment Council should be limited to matters concerned with prescribed number of licenses.

^{TOTAL}
c. Art 3, para 2 - In this paragraph, public hearings for interested persons with the place and date previously announced should be substituted for the opinion of the council. In this instance, the opinion of the Central Fisheries Adjustment Council should not be heard by the Minister of Agriculture and Forestry since members of ~~this~~ council may be financially interested in vessels which may possibly be eliminated from the fisheries under question.

4. It is NR's understanding that in the Japanese version of art 3, para 1, it is plainly set forth that considerations given to item 1 will favor those operators with the lesser number of licenses. Considerations given item 3 will favor those operators where the best labor conditions exist. Considerations given item 4 will favor those operators who are forced to place the greatest degree of economic dependency upon the fisheries concerned.

5. The recommendations set forth in para 3 of this check note have been discussed with and concurred in by the Chief of the Fair Trade Practices Division, ESS. At the time of these discussions, it was indicated that if the recommendations made in para 3 are carried out by the originators of subject bill, ESS will withdraw its objections set forth in ESS check note to Government Section dated March 6 commenting on subject bill. It was stated that this withdrawal could be verified by telephone to expedite clearance of subject bill.

6. NR recommends that subject bill be introduced in the Diet after the revisions recommended in para 3 have been made.


----- H. G. S. -----

PREVENTION OF EXHAUSTION OF MARINE RESOURCES FOM 132

1. Article 2, Para 2 should be rewritten in such a manner as to effect the following changes:

(1) That the Minister not only take into consideration the quantity of marine resources but the productive capacity of the marine resources as well.

(2) In considering the quantity and productive capacity of marine resources, he utilize the findings of scientific investigations.

2. Article 2, Para 3 should be rewritten to make it mandatory that the Minister hold public hearings of interested persons prior to determining the prescribed number of licenses to be authorized. Further that sufficient public notice concerning the date and place of these hearings be given. The opinion of the Central Fisheries Adjustment Council should be limited to matters concerned with prescribed total number of licenses.

3. Article 3, Para 2: Public hearings for interested persons with the place and date previously announced should be substituted for the opinion of the Council. In this instance, the opinion of the Central Fisheries Adjustment Council should not be heard by the Minister since members of the Council may be financially interested in vessels which may possibly be eliminated from the fisheries under question.

*Legal Sec. Comments said
4/18, too late to be
included in revised text
cleared 3/24*

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 37-6010)

February 18, 1950

1. FOM Number: 130
2. Name of Bill: Bill for Partial Amendments to the
Temporary Restaurant Business
Control Law

3. Competent Ministry: Ministry of Agriculture &
Forestry
4. Date of Cabinet Approval: February 14, 1950
5. SQAP Section concerned:
Miss Klein, Enforcement Branch, ESS

6. Remarks: (reference:)
Temporary Restaurant Business Control Law
.....
(Law No. 52, 1949), Official Gazette Extra No. 38
.....
May 7, 1949:.....
.....
.....

7. G.S. Reviewers:

CS:

ESS
WS/LJ

Received by

CS

Date

2/18/50

18

CW/JN/JW/CHN/chn

Subject: Draft Legislation

Capt Norris
26-6076

From: Govt Sec

To: ESS

Date: 18 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by Ministry of Agriculture and Forestry

2. Your prompt comment is requested.

1 Incl

Bill for Partial Amendments to the Temporary Restaurant Business Control Law

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

JHK *JHK*
WFM/JHK/JBE/JHK/rw
J. H. Klein 26-6283
3 MAR 1950

2.

From: ESS

To: Govt. Section

1. ESS approves the introduction and enactment of the proposed legislation.

1 Incl
- B/S -

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

*Rec'd
3/3/50*

(18) 5

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JH/JW/CHH/elm

Subject: Draft Legislation

Note No. From: Govt Sec To: **LS/LJ** Date: **Capt-Morris**
18 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by **Ministry of Agriculture and Forestry**
2. Your prompt comment is requested.

1 Incl

**Bill for Partial Amendments to the Temporary Restaurant
Business Control Law**

C. W.

P & P DIV

(18)

2/18

**SUBJECT: Bill for Partial Amend-
ments to the Temporary
Restaurant Business
Control Law.**

depr + For

**R. B. Appleton
2635-473**

2. From: LS/L&J To: Govt. Sec Date: 23 February 1950

No legal objections.

**1 Incl:
w/d**

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

*Rec'd by
2/27/50*

(18)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CR/JR/JR/CFD/gb**

Subject: Draft Legislation

Note No. From: Govt Sec To: **IS/LAJ** Date: **21 April 1950**
Capt. Guide 23-6076

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the House of Representatives.**

2. Your prompt comment is requested.

1 Incl

**Amendment to Amendments
to Temporary Restaurant
Business Control Law**

Cy to ESS

C. W.

P & P DIV

18

HR Amendment
Temporary Restaurant Business Control
4/21

2

From: LS

To: GS

Mr. R. B. Appleton
Meiji 473
Date: 26 April 1950

No legal objections.

1 Incl
w/d

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

Rec'd 6/1
4/26/50

(18)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CPG/gb

Subject: Draft Legislation

Capt. Guida

26-6076

Site No.

From: Govt Sec

To: ESS

Date: 21 April 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by the House of Representatives.
2. Your prompt comment is requested.

1 Incl

Amendment to Amendments
to Temporary Restaurant
Business Control Law

Cy to LS/L&J

C. W.

J.Klein, 26-6283

From: ESS

To: Govt Sec

WFM/JBH/JHK/ge
Date: 25 April 1950

2.

1. ESS objects to the following provisions in the proposed amendment of the previously proposed amendment of the Temporary Restaurant Business Control Law:

(a) The amendment to Article 5 of the law and (b) the second sentence of the proposed amendment to Article 7 of the Law.

2. The present law prohibits restaurants from preparing and serving food brought in by customers. The provisions of the amendment referred to would remove this restriction from all but "quick-lunch room(s) or tea room(s)". If patrons may legally bring food for preparation and service by the restaurant, it will be virtually impossible for the police and other enforcement agencies to enforce existing restrictions on purchase and sale of staple foods because whenever quantities of staple food are found on the premises in excess of any amount legally allocated to the restaurant, the owner can evade detection by claiming that material was brought in by the customer. Needless to say, the patron will normally corroborate the proprietor's statement. This was the actual experience under the restaurant closure pursuant to SCAPIN before the restaurant law was passed by the Diet last year.

3. ESS has no objection to the other provisions of the proposed amendment.

1 Incl

W.F.M.

W.F.M.

18

Rec'd GS
4/25/50

Bill

to be submitted for GS approval
Legislative Affairs Section, FOM
(TEL. 57-6010)

February 22, 1950

1. FOM Number: 143
2. Name of Bill: Bill for Partial Amendment to Settlers' Fund Financing Law
3. Competent Ministry: Ministry of Agriculture & Forestry
4. Date of Cabinet Approval: February 2, 1950
5. SCAP Section concerned:
Mr. Johnson, Agric. Div., N.R.S
6. Remarks: (Reference:)
Settlers Fund Financing Law (Law No. 6 of 1947),
.....
Official Gazette No. 239 Jan. 18, 1947.
.....
Amended by: (Law No. 114 of 1947), Official Gazette
.....
No. 453. Oct. 2, 1947
.....
.....
7. G.S Reviewers:

GS:
NRS
ESS
LS/LJ

Received by GS
Date 2/22/50

(19)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) **CN/JN/JW/GRH/vs**

Subject: Draft Legislation

Capt. Norris

Note No.

From: Govt Sec

To: **LS/LAJ**

Date: ^{26 6076} 23 February 1950

1. Immediate introduction of the attached draft bill in the Diet is proposed by **the Agriculture & Forestry Ministry.**
2. Your prompt comment is requested.

1 Incl
**Partial Amendment to Settler's
Fund Financing Law**

C. W.

P & P DIV

2/23

Amendment to Settler's Fund Financing Law
(Agri + For)

From: LS

To: GS

R.T. Brunckhorst-2635-420
Date: 28 February 1950

2.

1. This bill amends certain provisions of the Settler's Fund Financing Law. The basic law provides that settlers may obtain loans for agricultural purposes. The amendment provides that if the general solvency of the settler has increased or decreased in comparison to the year he obtained the loan, the Government may increase or decrease the installment of payment due.

2. There are no legal objections to the amendments.

Incl: w/d

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

Rec'd GS 3/2

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet) CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Norris

26-6076

Note No.

From: Govt Sec

To: NRS

Date: 23 February 1950

1

1. Immediate introduction of the attached draft bill in the Diet is proposed by the Agriculture & Forestry Ministry.

2. Your prompt comment is requested.

1 Incl

Partial Amendment to Settler's
Fund Financing Law

2.

From: NR

U

To: GS

Miss D.C. Goodwin - 26-7860

HGS/MEW/JLC/DCG/dem

Date:

28 FEB 1950

1. NR has concurred informally with the suggestion made by ESS/JF that the following proviso be added to the par "In case where the general solvency.....in compliance with the provisions of Order"

"Except that the minimum annual installment in any one year shall not be less than the quotient got by dividing the financed fund by the redeeming number of years."

2. Attention is called to the fact that due to a typing error, the above noted par is out of place in the draft submitted by GS. It is intended to be inserted in line 3 of the text immediately after "Article 3, paragraph 1, shall be amended as follows:"

3. NR has no objection to the proposed legislation provided the above noted changes are made.

1 Incl

w/d

H. G. S.

Referred to CLCO.

Accepted & incorporated
in revised draft rec'd 3/8

CS

19

Rec'd GS 3/1

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

C H E C K S H E E T

(Do not remove from attached sheet)

CW/JN/JW/CHN/vs

Subject: Draft Legislation

Capt. Morris

Note No.

From: Govt Sec

To: ESS

26-6076
Date: 23 February 1950

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

2. Your prompt comment is requested.

1 Incl

**Partial Amendment to Settler's
Fund Financing Law**

C. W.

P & P DIV

19

Ag. & For.

File: OLO(23 Feb 50)ESS/PF

From: ESS

To: Govt Sec

Pink
WFM/ESR/AMM/DHL/ob
Mr. Larsen, 26-5142

1 MAR 1950

2

1. Reference is attached draft bill "Partial Amendments to Settler's Fund Financing Law" proposed by the Ministry of Agriculture and Forestry.

2. There is no objection to the introduction in the Diet of the subject bill provided the following sentence is added to the amended Article 3, paragraph 1, as follows:

"except that the minimum annual installment on the financed fund in any one year shall not be less than the quotient of the original financed fund divided by the redeeming number of years."

3. The addition of this sentence has been discussed with the Ministry of Agriculture and Forestry and they concur.

1 Incl:

n/c

Referred to CLCO 3/3/50
CB

See revised draft 5/8
CB

(19)