Nothing contained in this subsection shall require the resubmission of any information required under paragraphs (2) and (3) of this subsection which has been reported pursuant to this subsection and which remains unchanged.

(b) In any instance in which the Commission, officer, or other appropriate authority so required to submit such report may find full public disclosure of any or all of the above-specified items to be detrimental to the national security, such Commission, officer, or authority is authorized—

(1) to omit in such annual report those items with respect to which full public disclosure is found to be detrimental to the national security,
(2) to inform the Congress of such omission, and
(3) at the request of any congressional committee to which such report is referred, to present all information concerning such items.

Approved July 31, 1956, 5:10 p. m.

Public Law 855

AN ACT

Making supplemental appropriations for the fiscal year ending June 30, 1957, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, to supply supplemental appropriations (this Act may be cited as the “Second Supplemental Appropriation Act, 1957”) for the fiscal year ending June 30, 1957, and for other purposes, namely:

CHAPTER I

DEPARTMENT OF AGRICULTURE

FARMERS’ HOME ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Salaries and expenses”, $1,000,000: Provided, That this appropriation shall be available only upon enactment into law of H. R. 11544, Eighty-fourth Congress, or similar legislation amending the Bankhead-Jones Farm Tenant Act, as amended.

OFFICE OF THE GENERAL COUNSEL

SALARIES AND EXPENSES

For an additional amount for “Office of the General Counsel”, $45,000: Provided, That this appropriation shall be available only upon enactment into law of H. R. 11544, Eighty-fourth Congress, or similar legislation amending the Bankhead-Jones Farm Tenant Act, as amended.

RELATED AGENCIES

COMMISSION ON INCREASED INDUSTRIAL USE OF AGRICULTURAL PRODUCTS

For expenses necessary for the Commission on Increased Industrial Use of Agricultural Products, established by section 209 of the Act
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764

60 Stat. 610.

of May 28, 1956 (70 Stat. 201), including services as authorized by the Act of August 2, 1946 (5 U. S. C. 55a), and expenses of attendance at meetings, $150,000.

CHAPTER II

DEPARTMENT OF COMMERCE

CIVIL AVIATION ADMINISTRATION

Operation and regulation: For an additional amount for “Operation and regulation,” $10,000,000; and the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1957, on the amount available for hire of aircraft is increased from “$870,000” to “$970,000”.

Establishment of air navigation facilities: For an additional amount for “Establishment of air navigation facilities” $35,000,000, to remain available until expended.

MARITIME ACTIVITIES

Ship construction: For an additional amount for “Ship construction” for design, construction, outfitting, and preparation for operation of a nuclear-powered merchant ship, $18,000,000, to remain available until expended: Provided, That the limitation under this head in the Department of Commerce and Related Agencies Appropriation Act, 1957, on the amount which may be transferred to “Salaries and expenses,” for administrative and warehouse expenses for the current fiscal year, is increased from “$1,115,000” to “$1,215,000”: Provided further, That this paragraph shall be effective only upon enactment into law of H. R. 6243, Eighty-fourth Congress.

BUREAU OF PUBLIC ROADS

REIMBURSEMENT TO DISTRICT OF COLUMBIA

For reimbursement to the Highway Fund, District of Columbia, for part cost of construction of highway-railroad grade separation underpass at a point in the southeast section of the District of Columbia in the vicinity of East Capitol Street, $200,000, to remain available until expended.

Federal-aid highways (Trust Fund): For carrying out the provisions of the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, which are attributable to Federal-aid highways, to remain available until expended, not more than $800,000,000, to be derived from the Highway Trust Fund; which sum is composed of $186,500,000, the balance of the amount authorized to be appropriated for the fiscal year 1955, $610,500,000, a part of the amount authorized to be appropriated for the fiscal year 1956, and $30,401, $14,097, $1,034,766, and $985,204, the latter sums being for reimbursement of the sums expended for the repair or reconstruction of highways and bridges which have been damaged or destroyed by floods, hurricanes, or landslides, as provided by Section 4 of the Act approved June 8, 1938, section 7 of the Act approved July 13, 1943, and Section 9 of the Act approved September 7, 1950, as amended (23 U. S. C. 13a, and 13b), and section 7 of the Act approved June 25, 1952, and $835,632 for reimbursement of the sums expended for the design and construction of highway bridges upon and across dams in accordance with the Act of July 29, 1946 (60 Stat. 709): Provided, That at such time, but no later than June 30, 1957, as the
Secretary of the Treasury, after consulting with the Secretary of Commerce, determines that the amounts available and estimated to become available in the Highway Trust Fund during the fiscal year 1957 are sufficient for carrying out, on a current basis, the provisions of the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, this appropriation shall reimburse the appropriations for "Federal-aid highways" for all expenditures subsequent to June 30, 1956.

FEDERAL-AID HIGHWAYS

Reduction in appropriations: The appropriation granted under this head in the Department of Commerce and Related Agencies Appropriation Act, 1957, and the unexpended balances as of June 30, 1956, of appropriations granted under this head for prior fiscal years are rescinded effective June 30, 1957, or such earlier date as all expenditures from such appropriations made after June 30, 1956, have been reimbursed by appropriations from the highway trust fund: Provided, That the sums rescinded shall revert to the general fund.

CHAPTER III
FOREIGN OPERATIONS

EXPORT-IMPORT BANK OF WASHINGTON

Not to exceed $2,500 of the funds previously made available for Administrative Expenses of the Bank shall be available for the purchase of one motor vehicle for replacement only.

CHAPTER IV
INDEPENDENT OFFICES

PRESIDENT'S ADVISORY COMMISSION ON PRESIDENTIAL OFFICE SPACE

SALARIES AND EXPENSES

For expenses necessary for the President's Advisory Commission on Presidential Office Space, $20,000: Provided, That this paragraph shall be effective only upon enactment into law of S. 4228, 84th Congress, or similar legislation.

GENERAL SERVICES ADMINISTRATION

Operating expenses, Public Buildings Service: For an additional amount for "Operating expenses, Public Buildings Service", $2,500,000.

HOUSING AND HOME FINANCE AGENCY

FLOOD INSURANCE

For expenses necessary to carry out the Federal Flood Insurance Act of 1956, including rent in the District of Columbia; services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), at rates not to exceed $50 per diem for individuals; and expenses of attendance at meetings of organizations concerned with the work under this appropriation; $500,000: Provided, That this appropriation shall be effective only upon the enactment into law of the Federal Flood Insurance Act of 1956 (S. 3732, Eighty-fourth Congress).
Administration expenses: For an additional amount for "Administrative expenses", $200,000 and the limitation under this head in title II of the Independent Offices Appropriation Act, 1957, on administrative expenses of the Public Housing Administration is increased from "$12,475,000" to "$12,675,000" and the limitation thereunder on the amount available for expenses of travel is increased from "$950,000" to "$980,000": Provided, That this paragraph shall be effective only upon the enactment into law of legislation authorizing the Administration to enter into new contracts for loans and annual contributions after July 31, 1956.

Federal National Mortgage Association

The limitation under this head in title II of the Independent Offices Appropriation Act, 1957, on administrative expenses of the Association is increased from "$3,775,000" to "$4,025,000", and the limitation thereunder on expenses of travel is increased from "$150,000" to "$175,000": Provided, That $100,000 of the foregoing increase in administrative expenses shall be available only upon the enactment into law of the amendments to subsection 303 (b) of the National Housing Act, as amended, contained in S. 3855, Eighty-fourth Congress, with respect to nonrefundable capital contributions by mortgage sellers, or legislation of similar effect.

CHAPTER V

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Acquisition of Strategic Minerals

For necessary expenses in carrying out the provisions of the "Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956" (Public Law 733, approved July 19, 1956), including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), $21,000,000, to remain available until December 31, 1958: Provided, That this appropriation shall not be available for expenses incurred in connection with materials procured under said Act after their transfer to the strategic or supplemental stockpile.

Bureau of Indian Affairs

Resources Management

For an additional amount for "Resources management", $250,000.

Payment to Pine Ridge Sioux Tribe of Indians

For payments, as authorized by law, to certain members of the Pine Ridge Sioux Tribe of Indians, in settlement of their claims for damages resulting from the establishment of the Pine Ridge aerial gunnery range, $437,500, to remain available until expended.
For an additional amount for "Construction", $1,060,000, to remain available until expended.

**FISHERIES LOAN FUND**

For initial capital for the fisheries loan fund, for financing and refinancing of operations, maintenance, replacement, repair, and equipment of fishing gear and vessels; and for research into the basic problems of fisheries, as authorized by law, $10,000,000, of which not to exceed $250,000 shall be available for administrative expenses: Provided, That this paragraph shall be effective only upon enactment into law of S. 3275, Eighty-fourth Congress, or similar legislation.

**DEPARTMENT OF AGRICULTURE**

**Forest Service**

**ACQUISITION OF LANDS FOR CACHE NATIONAL FOREST**

For the acquisition of lands within the boundaries of the Cache National Forest, Utah, $50,000, to remain available until expended.

**Related Agencies**

**ALEXANDER HAMILTON BICENTENNIAL COMMISSION**

For an additional amount for "Alexander Hamilton Bicentennial Commission", $40,000, to remain available until expended: Provided, That section 7 of the joint resolution entitled "Joint resolution to establish a commission for the celebration of the two hundredth anniversary of the birth of Alexander Hamilton"; approved August 20, 1954, is amended to read as follows:

"Sec. 7. There are hereby authorized to be appropriated such sums, not to exceed $25,000, in addition to the sum of $175,000 heretofore authorized to be appropriated, as the Congress may determine to be necessary to carry out the provisions of this joint resolution."

**THEODORE ROOSEVELT CENTENNIAL COMMISSION**

For an additional amount for "Theodore Roosevelt Centennial Commission", $163,400, to remain available until expended: Provided, That this paragraph shall become effective only upon the enactment into law of S. 3386, Eighty-fourth Congress.

**BOOKER T. WASHINGTON CENTENNIAL COMMISSION**

For necessary expenses of the Booker T. Washington Centennial Commission to carry out the year-long celebration of the one hundredth anniversary of the birth of Booker T. Washington and to promote the spirit of interracial goodwill, and revive interest in the practical policies, programs, principles, and philosophies of Booker T. Washington, $225,000, to remain available until expended.
CHAPTER VI
DEPARTMENT OF LABOR

OFFICE OF THE SOLICITOR

Salaries and expenses: For an additional amount for “Salaries and expenses”, $300,000, to be derived from the Highway Trust Fund created by section 209 of the Highway Revenue Act of 1956.

BUREAU OF EMPLOYEES’ COMPENSATION

Salaries and expenses: Not to exceed $47,000 may be derived from the fund created by section 44 of the Longshoremen’s and Harbor Workers’ Compensation Act, as amended (33 U. S. C. 906), for the purposes of the appropriation granted under this head in the Department of Labor Appropriation Act, 1957.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF EDUCATION

Promotion and further development of vocational education: For an additional amount for “Promotion and further development of vocational education” for grants to States for extension and improvement of practical nurse training, $2,000,000: Provided, That this paragraph shall be effective only upon enactment of S. 3958, Eighty-fourth Congress.

Grants for library services: For grants to the States pursuant to the Act of June 19, 1956 (Public Law 597), $2,050,000.

Payments to school districts: For an additional amount for “Payments to school districts”, $84,050,000.

Assistance for school construction: For an additional amount for providing school facilities and for grants to local educational agencies in federally affected areas, as authorized by title III and title IV of the Act of September 23, 1950, as amended, including payments upon applications filed on or before June 30, 1956, and not to exceed $500,000 for necessary expenses of technical services rendered by other agencies and not to exceed $15,000,000 for title IV, $108,500,000, to remain available until expended: Provided, That no part of this appropriation shall be available for salaries or other direct expenses of the Department of Health, Education, and Welfare: Provided further, That this paragraph shall be effective only upon enactment into law of H. R. 11695, Eighty-fourth Congress, or similar legislation.

Salaries and expenses: For an additional amount for “Salaries and expenses”, $270,000: Provided, That of this amount (a) $85,000 shall be available only upon enactment into law of H. R. 11695, Eighty-fourth Congress, or similar legislation, and (b) $45,000 shall be available only upon enactment of H. R. 11549 or S. 3958, Eighty-fourth Congress.

Salaries and expenses: For salaries and expenses for the President’s Committee on Education Beyond the High School, including services as authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a), and expenses of attendance at meetings, $150,000.

OFFICE OF VOCATIONAL REHABILITATION

For an additional amount for “Grants to States and other agencies”, $1,000,000, for grants for special projects under section 4 (a) (2): Provided, That not more than $2 of these funds shall be expended for any project for each $1 that the grantee, or the grantee and the State,
expends for the same purpose: Provided further, That this paragraph shall be effective only upon enactment of S. 3875, Eighty-fourth Congress.

**PUBLIC HEALTH SERVICE**

Assistance to States, general: For an additional amount for "Assistance to States, general", including $1,000,000 for grants for graduate training of professional public health personnel, pursuant to the provisions of the Health Amendments Act of 1956, $1,040,000: Provided, That this paragraph shall be effective only upon the enactment into law of S. 3958, Eighty-fourth Congress.

Grants for waste treatment works construction: For payments under section 6 of the Water Pollution Control Act, as amended, $50,000,000, to remain available only until June 30, 1958.

Sanitary engineering activities: For an additional amount for "Sanitary engineering activities", for carrying out the purposes of the Act of July 9, 1956 (Public Law 660), not otherwise provided for, $8,000,000, including $1,800,000 for grants to States and $200,000 for grants to interstate agencies.

Hospitals and medical care: For an additional amount for "Hospitals and medical care," including $2,000,000 for grants for advanced training of professional nurses, pursuant to the provisions of the Health Amendments Act of 1956, $2,050,000: Provided, That this paragraph shall be effective only upon the enactment into law of S. 3958, Eighty-fourth Congress.

Operating expenses, National Institutes of Health: For an additional amount for "Operating expenses, National Institutes of Health", $200,000, for administration of the Health Research Facilities Act of 1956: Provided, That this paragraph shall be effective only upon enactment of S. 849, Eighty-fourth Congress.

Construction of dental research building: For the preparation of plans and specifications for construction of buildings and facilities for the National Institute of Dental Research, in accordance with the National Dental Research Act, as amended (42 U. S. C. 288), $200,000.

Grants for construction of health research facilities: For grants pursuant to the Health Research Facilities Act of 1956, $30,000,000: Provided, That this appropriation shall be available only upon enactment into law of S. 849, Eighty-fourth Congress.

Construction of animal quarters: For construction of facilities for housing animals for the National Institutes of Health, including preparation of plans, equipment, and the temporary diversion of such facilities for office space, $1,371,000.

General office building: For plans and specifications preparatory to construction of a general office building, National Institutes of Health, $300,000.

Construction of library facilities: For the preparation of plans, specifications, and drawings for the National Library of Medicine, $350,000: Provided, That this appropriation shall become effective only upon enactment into law of S. 3430, Eighty-fourth Congress.

**CHAPTER VII**

PUBLIC WORKS

**ATOMIC ENERGY COMMISSION**

**OPERATING EXPENSES**

For necessary operating expenses of the Commission in carrying out the purposes of the Atomic Energy Act of 1954, including the
employment of aliens; rental in or near the District of Columbia; services authorized by section 15 of the Act of August 2, 1946 (5 U. S. C. 55a); purchase of equipment; purchase, maintenance, and operation of aircraft; publication and dissemination of atomic information; purchase, repair, and cleaning of uniforms; purchase of newspapers and periodicals (not to exceed $5,000); official entertainment expenses (not to exceed $15,000); not to exceed $3,500,000 for expenses of travel, including expenses of attendance at meetings of organizations concerned with the function or activity for which this appropriation is made; reimbursement of the General Services Administration for security guard services; not to exceed $44,150,000 for personal services; purchase (not to exceed three hundred and six for replacement only) and hire of passenger motor vehicles; $1,740,400,000, together with the unexpended balances, as of June 30, 1956, of prior year appropriations made available under this head to the Atomic Energy Commission, and, in addition, any moneys (except sums received from disposal of property under the Atomic Energy Community Act of 1955 (42 U. S. C. 2301)) received by the Commission, notwithstanding the provisions of section 3617 of the Revised Statutes (31 U. S. C. 484): Provided, That of such amounts $100,000 may be expended for objects of a confidential nature and in any such case the certificate of the Commission as to the amount of the expenditure and that it is deemed inadvisable to specify the nature thereof shall be deemed a sufficient voucher for the sum therein expressed to have been expended: Provided further, That from this appropriation transfers of sums may be made to other agencies of the Government for the performance of the work for which this appropriation is made, and in such cases the sums so transferred may be merged with the appropriation to which transferred: Provided further, That no part of this appropriation shall be used in connection with the payment of a fixed fee to any contractor or firm of contractors engaged under a cost-plus-a-fixed-fee contract or contracts at any installation of the Commission, where that fee for community management is at a rate in excess of $90,000 per annum, or for the operation of a transportation system where that fee is at a rate in excess of $45,000 per annum.

**PLANT ACQUISITION AND CONSTRUCTION**

For expenses of the Commission in connection with the purchase and construction of plant and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and hire of passenger motor vehicles; $158,300,000, to remain available until expended: Provided, That the obligated balance as of June 30, 1956, of amounts included in appropriations to the Atomic Energy Commission for “Plant and equipment”, for the activity “Equipment not included in construction projects”, shall be transferred to and merged with the appropriation for “Operating expenses”, and the remaining balance of such appropriations shall be merged with this appropriation: Provided further, That, in the event additional feed materials capacity is constructed by private industry with its own funds, the amounts included in this appropriation for such construction may be transferred to the appropriation for “Operating expenses”.

**GENERAL PROVISIONS**

Any appropriation available under this or any other Act to the Atomic Energy Commission may initially be used subject to limitations in this Act during the fiscal year 1957 to finance the procurement
Transfer of funds.

Not to exceed 5 per centum of any appropriation herein made to the Atomic Energy Commission may be transferred to any other such appropriation, but no such appropriation shall be increased by more than 5 per centum by any such transfers, and any such transfers shall be reported promptly to the Appropriations Committees of the House and Senate.

No part of any appropriation herein made to the Atomic Energy Commission shall be used to confer a fellowship on any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence or with respect to whom the Commission finds, upon investigation and report by the Civil Service Commission on the character, associations, and loyalty of whom, that reasonable grounds exist for belief that such person is disloyal to the Government of the United States: Provided, That any person who advocates or who is a member of an organization or party that advocates the overthrow of the Government of the United States by force or violence and accepts employment or a fellowship the salary, wages, stipend, grant, or expenses for which are paid from any appropriation contained herein shall be guilty of a felony and, upon conviction, shall be fined not more than $1,000 or imprisoned for not more than one year, or both: Provided further, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law.

DEPARTMENT OF THE INTERIOR

Office of the Secretary

Operation and Maintenance, Southeastern Power Administration

For an additional amount for “Operation and maintenance, Southeastern Power Administration”, $500,000.

Bonneville Power Administration

Operation and Maintenance

For an additional amount for “Operation and maintenance”, $195,000.

Bureau of Reclamation

Construction and Rehabilitation

For an additional amount for “Construction and rehabilitation”, $12,750,000, of which not to exceed $25,000 shall be available for the construction of safety and public use facilities at the Alamogordo Dam, Carlsbad Project, New Mexico; and not to exceed $25,000 shall be available for the construction of safety and public use facilities at the Dickinson Unit, North Dakota, Missouri River Basin Project.

Administrative Provisions

The Secretary of Commerce is hereby authorized to participate in the construction of the bridge required in the construction of the Glen...
Canyon Unit, Arizona, Colorado River storage project; and may transfer for this purpose to the Secretary of the Interior funds available for the construction of public lands highways: Provided, That the amount transferred shall not exceed the cost of placing such bridge upon and across the dam under the provisions of the Act of July 29, 1946 (60 Stat. 709; 25 U. S. C. 64-70).

DEPARTMENT OF DEFENSE—CIVIL FUNCTIONS

DEPARTMENT OF THE ARMY

RIVERS AND HARBORS AND FLOOD CONTROL

CONSTRUCTION, GENERAL

For an additional amount for "Construction, general", $2,520,000.

CHAPTER VIII

DEPARTMENT OF STATE

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

Appropriations granted under this head for the fiscal year 1957 shall be available for contributions to the North Atlantic Treaty Parliamentary Conference, as authorized by the Act of July 11, 1956 (Public Law 849), in an amount not to exceed $6,000.

MISSIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Missions to international organizations", $30,000.

CLEVELAND PAN AMERICAN GAMES

For necessary expenses of the III Pan American Games, 1959, $100,000, to remain available until expended: Provided, That this appropriation shall be effective only upon the enactment into law of the III Pan American Games Act of 1956 (S. J. Resolution 186, 84th Congress) or similar legislation.

RELATED AGENCIES

FUNDS APPROPRIATED TO THE PRESIDENT

PRESIDENT'S SPECIAL INTERNATIONAL PROGRAM

For an additional amount for the "President's Special International Program", for United States participation in the Universal and International Exhibition of Brussels, 1958, $4,000,000, to remain available until expended: Provided, That this paragraph shall be effective only upon enactment into law of S. 3116, Eighty-fourth Congress, or similar legislation.

CHAPTER IX

TREASURY DEPARTMENT

BUREAU OF NARCOTICS

Salaries and expenses: For an additional amount for "Salaries and expenses", $200,000.
CHAPTER X
DISTRICT OF COLUMBIA
SETTLEMENT OF CLAIMS AND SUITS

For the payment of claims in excess of $250, approved by the Commissioners in accordance with the provisions of the Act of February 11, 1929, as amended (45 Stat. 1160; 46 Stat. 500; 65 Stat. 131), $10,000.

DIVISION OF EXPENSES

The sum appropriated in this Act for the District of Columbia shall be paid out of the general fund of the District of Columbia, as defined in the District of Columbia Appropriation Act for fiscal year 1957.

CHAPTER XI
LEGISLATIVE BRANCH

HOUSE OF REPRESENTATIVES

CONTINGENT EXPENSES OF THE HOUSE

Joint Committee on Internal Revenue Taxation: For an additional amount for the Joint Committee on Internal Revenue Taxation, $50,000.

CHAPTER XII
CLAIMS FOR DAMAGES, AUDITED CLAIMS, AND JUDGMENTS

For payment of claims for damages as settled and determined by departments and agencies in accord with law, audited claims certified to be due by the General Accounting Office, and judgments rendered against the United States by United States district courts and the United States Court of Claims, as set forth in Senate Document Numbered 143, Eighty-fourth Congress, $1,312,538, together with such amounts as may be necessary to pay interest (as and when specified in such judgments or in certain of the settlements of the General Accounting Office or provided by law) and such additional sums due to increases in rates of exchange as may be necessary to pay claims in foreign currency: Provided, That no judgment herein appropriated for shall be paid until it shall have become final and conclusive against the United States by failure of the parties to appeal or otherwise: Provided further, That, unless otherwise specifically required by law or by the judgment, payment of interest wherever appropriated for herein shall not continue for more than thirty days after the date of approval of this Act.

Approved July 31, 1956.

Public Law 856

JOINT RESOLUTION

APPROVING THE RELINQUISHMENTS OF THE CONSULAR JURISDICTION OF THE UNITED STATES IN MOROCCO.

Whereas the laws of the United States invest the ministers and consuls of the United States in certain countries, including Morocco, with judicial authority so far as the exercise of the same is allowed by