

~~_____~~ 4 APR 17 1947 ~~_____~~

4 The Honorable

4 The Secretary of Commerce

Act 4/17 on

My dear Mr. Secretary:

I refer to your request of April 1 for my opinion regarding the propriety of placing certain employees of the Weather Bureau on a leave-without-pay status and detaching them to serve as expert meteorologists for the Government of Sino. The circumstances and the nature of the proposed arrangement are more fully indicated by the following excerpt from a memorandum prepared by the Attorney of your Department:

1 10 "The Director of the Meteorological Service, Department of Industry and Commerce of Sino, has requested the United States Weather Bureau of this Department to assist him in providing an adequate weather forecasting service in aid of navigation, to promote safety and efficiency in international air navigation. The form of the requested cooperation is for the Department to provide volunteers from the personnel of the Weather Bureau, who are trained in making and issuing weather forecasts and advice in aid of aviation, to serve for a temporary period of two years in the Meteorological Service of Sino, or until such time as the Director of that Service can train a sufficient number of citizens of Sino to take over the full and complete weather forecasting service that is required for the safety of international aviation. Such interim cooperation is beneficial to the air transport interests of the United States and contributes to the safety of American citizens who travel to Europe by air. . . ."

"It is understood that the employee in question would retain their full United States citizenship and would not take any oath of allegiance to the Government of Sino."

The following provisions of the act of August 6, 1946, Public
Law, 79th Cong., 2d sess., are applicable:

7 10 In order to promote safety and efficiency in air navigation to the highest possible degree, the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, shall, in addition to any other functions or duties pertaining to weather information for other purposes * * * (4) establish and coordinate the international exchanges of meteorological information required for the safety and efficiency of air navigation; (5) participate in the development of an international basic meteorological reporting network, including the establishment, operation, and maintenance of reporting stations on the high seas, in polar regions, and in foreign countries in cooperation with other governmental agencies of the United States and the meteorological services of foreign countries and with persons engaged in air commerce * * *

It is my understanding that the question has been raised only because of the proposal that the foreign government pay the compensation of the detailed employees and the possibility of conflict with Article I, Section 9, Clause 3, of the Constitution, which reads as follows:

7 10 "No Title of Nobility shall be granted by the United States; and no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State."

I concur in the conclusion of your Solicitor that the proposed arrangement is authorized by law and that there is no conflict with the constitutional provision. The act of August 6, 1946, plainly authorizes the detailing of the employees. It is silent on the question of compensation, although it must have been foreseen that questions relating thereto would arise. I think the required construction is that the Chief of the Weather Bureau, under the direction of the Secretary of Commerce, is left free to make appropriate arrangements with foreign governments respecting the payment, in whole or in part, of the compensation of employees detail-

ed to cooperate with them. The constitutional provision was not intended to forbid, and by its terms does not forbid, the acceptance of compensation from a foreign government under an arrangement duly authorized by an act of the Congress.

Honorably yours,

Attorney General