

No. 130

UNITED STATES OF AMERICA
and
DOMINICAN REPUBLIC

Exchange of Notes constituting an agreement relating to workmen's compensation in connexion with certain projects under construction or operation in the Dominican Republic. Ciudad Trujillo, 14 and 19 October 1943

English and Spanish official texts communicated by the Officer in charge of the New York Office of the United States Mission to the United Nations. The filing and recording took place on 10 December 1948.

ETATS-UNIS D'AMERIQUE
et
REPUBLIQUE DOMINICAINE

Echange de notes constituant un accord relatif aux indemnités pour accidents du travail en ce qui concerne certains travaux en cours d'exécution et certaines installations en cours d'exploitation situés sur le territoire de la République Dominicaine. Ciudad-Trujillo, 14 et 19 octobre 1943

Textes officiels anglais et espagnol communiqués par le Directeur du bureau de New-York de la Mission des Etats-Unis auprès de l'Organisation des Nations Unies. Le classement et l'inscription au répertoire ont eu lieu le 10 décembre 1948.

No. 130. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE DOMINICAN REPUBLIC RELATING TO WORKMEN'S COMPENSATION IN CONNEXION WITH CERTAIN PROJECTS UNDER CONSTRUCTION OR OPERATION IN THE DOMINICAN REPUBLIC. CIUDAD TRUJILLO, 14 AND 19 OCTOBER 1943

I

The American Chargé d'Affaires ad interim to the Dominican Secretary of State for Foreign Affairs

EMBASSY OF THE UNITED STATES OF AMERICA

Ciudad Trujillo, D.R., October 14, 1943

No. 141

Excellency:

I have the honor to refer to conversations which have taken place between officers of the Dominican Department of State for Foreign Affairs and of the Embassy with respect to compensation benefits which may be claimed by American citizens employed on projects under construction or operation by cost plus contractors with the Government of the United States in the Dominican Republic.

The Congress of the United States by Public Law 208, 77th Congress,² as amended by Public Law 784, 77th Congress,³ has provided a mandatory and uniform system of compensation benefits as embodied in the Longshoremen's and Harbor Workers' Act, and administered by the United States Employees' Compensation Commission for American nationals employed by contractors in foreign countries on or in connection with United States Government projects.

The purpose of this legislation was two-fold (1) to insure that all American workmen engaged outside the United States on these Government projects would be treated equally and (2) since these American workmen have rights under the compensation acts of the country in which they are working in the absence of some arrangement with that country, there is every possibility of an American

¹ Came into force on 19 October 1943, by the exchange of the said notes.

² United States of America, 55 Stat. 622.

³ United States of America, 56 Stat. 1035.

workman collecting double benefits. Such double benefits would be ultimately paid for by the United States Government since the contracts above referred to are on a cost-plus-a-fixed-fee basis under which the Government reimburses for such expenditures.

Furthermore, in view of the fact that these workmen performing work in foreign countries are there temporarily it is necessary to provide them and their families (in the event of their death) with a system of benefits administered in the United States as well as in foreign countries, as is the situation under the Longshoremen's and Harbor Workers' Act. This is particularly true since in the event of a workman's disability or death, as the case may be, compensation payments to himself or dependents will continue for a long period of years. If some such arrangement had not been made by Congress (in the passage of Public Laws 208 and 784 hereinabove referred to) it would have been necessary for American workmen or their families to return to foreign countries in order to litigate or collect compensation benefits.

It is the desire of the Government of the United States that Public Law 208, 77th Congress, as amended by Public Law 784, 77th Congress, will be made the exclusive remedy for workman's compensation, injury or death therein of American employees of American contractors with the United States Government.

Inasmuch as the insurance furnished these American employers is written by American companies it would be appreciated if Your Excellency's government would permit American insurance companies to service the insured risks involved, by furnishing claim adjustors and safety engineers and to maintain any facilities that may be necessary solely and only for such purpose.

I avail myself of the opportunity to renew to Your Excellency the assurances of my highest and most distinguished consideration.

Robert NEWBIGIN
Chargé d'Affaires ad interim

His Excellency Manuel Peña Batlle
Secretary of State for Foreign Affairs
Ciudad Trujillo, D.R.

Gobierno promete al Gobierno de Vuestra Señoría que dará los pasos conducentes a una reforma legislativa que haga posible el acuerdo convenido por este medio.

Válgome de esta oportunidad para renovar a Vuestra Señoría las seguridades de mi más distinguida consideración,

M. PEÑA BATLLE

A Su Señoría Robert Newbegin
Encargado de Negocios a.i.
de los Estados Unidos de América
Su Embajada

TRANSLATION¹ — TRADUCTION¹

DOMINICAN REPUBLIC
DEPARTMENT OF STATE FOR FOREIGN AFFAIRS

Ciudad Trujillo
District of Santo Domingo
October 19, 1943

21702

Mr. Chargé d'Affaires:

I have the honor to acknowledge receipt of your note 141 of October 14, 1943, in which the Embassy, in the name of the Government of the United States, transmits to the Dominican Government the request quoted below in Spanish translation:

[Here follows the text of note 141 of October 14, 1943 from the American Chargé d'Affaires ad interim to the Dominican Secretary of State for Foreign Affairs. See note I.]

In this connection I take pleasure in informing you that the Dominican Government approves, in principle, the inapplicability of Dominican legislation on labor accident insurance in cases concerning laborers of American nationality working in the Dominican Republic, employed by contractors likewise of American nationality under the Government of the United States of America, so long as the risks run by said workmen are properly covered by the laws of the United States of America.

In this respect and taking into consideration that the legal provisions covering this subject are of a statutory nature in Dominican law, my Government promises your Government that it will take the necessary steps toward effecting

¹ Translation by the Government of the United States of America.

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

a legislative amendment which will make possible the agreement reached in this manner.

I avail myself of this opportunity to renew to you the assurances of my most distinguished consideration.

M. PEÑA BATLLE

The Honorable Robert Newbegin
Chargé d'Affaires ad interim
of the United States of America
Embassy
