Public Law 92-412

AN ACT

To extend and amend the Export Administration Act of 1969 to afford more equal export opportunity, to establish a Council on International Economic Policy, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—AMENDMENTS TO THE EXPORT ADMINISTRATION ACT OF 1969

SEC. 101. This title may be cited as the "Equal Export Opportunity Act".

SEC. 102. Section 2(3) of the Export Administration Act of 1969 is amended by inserting before the period at the end thereof a comma and the following: "particularly when export restrictions applied by the United States are more extensive than export restrictions imposed by countries with which the United States has defense treatment commitments".

SEC. 103. Section 3 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

"(6) It is the policy of the United States that the desirability of subjecting, or continuing to subject, particular articles, materials, or supplies, including technical data or other information, to United States export controls should be subjected to review by and consultation with representatives of appropriate United States Government agencies and qualified experts from private industry."

SEC. 104. (a) Section 4(b) of the Export Administration Act of 1969 is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end thereof the following new paragraphs

"(2) The Secretary of Commerce, in cooperation with appropriate United States Government departments and agencies and the appropriate technical advisory committees established under section 5(c), shall undertake an investigation to determine which articles, materials, and supplies, including technical data and other information, should no longer be subject to export controls because of their significance to the national security of the United States. Notwithstanding the provisions of paragraph (1), the President shall remove unilateral export controls on the export from the United States of articles, materials, or supplies, including technical data or other information, which he determines are available without restriction from sources outside the United States in significant quantities and comparable in quality to those produced in the United States, except that any such control may remain in effect if the President determines that adequate evidence has been presented to him demonstrating that the absence of such a control would prove detrimental to the national security of the United States. The nature of such evidence shall be included in the special report required by paragraph (4).

"(3) In conducting the investigation referred to in paragraph (2) and in taking the action required under such paragraph, the Secretary of Commerce shall give priority to those controls which apply to articles, materials, and supplies, including technical data and other information, for which there are significant potential export markets.

"(4) Not later than nine months after the date of enactment of the Equal Export Opportunity Act, the Secretary of Commerce shall submit to the President and to the Congress a special report of actions taken under paragraphs (2) and (3). Such report shall contain—
“(A) a list of any articles, materials, and supplies, including technical data and other information, which are subject under this Act to export controls greater than those imposed by nations with which the United States has defense treaty commitments, and the reasons for such greater controls; and

“(B) a list of any procedures applicable to export licensing in the United States which may be or are claimed to be more burdensome than similar procedures utilized in nations with which the United States has defense treaty commitments, and the reasons for retaining such procedures in their present form.”

(b) (1) Section 4(e) of such Act is amended to read as follows:

“(e) The authority conferred by this section shall not be exercised with respect to any agricultural commodity, including fats and oils or animal hides or skins, without the approval of the Secretary of Agriculture. The Secretary of Agriculture shall not approve the exercise of such authority with respect to any such commodity during any period for which the supply of such commodity is determined by him to be in excess of the requirements of the domestic economy, except to the extent the President determines that such exercise of authority is required to effectuate the policies set forth in clause (B) or (C) of paragraph (2) of section 3 of this Act.”

(2) Any rule, regulation, proclamation, or order issued after July 1, 1972, under section 4 of the Export Administration Act of 1969, exercising any authority conferred by such section with respect to any agricultural commodity, including fats and oils or animal hides or skins, shall cease to be effective upon the date of enactment of this Act.

SEC. 105. Section 5 of the Export Administration Act of 1969 is amended by adding at the end thereof the following:

“(c)(1) Upon written request by representatives of a substantial segment of any industry which produces articles, materials and supplies, including technical data and other information, which are subject to export controls or are being considered for such controls because of their significance to the national security of the United States, the Secretary of Commerce shall appoint a technical advisory committee for any grouping of such articles, materials, and supplies, including technical data and other information, which he determines is difficult to evaluate because of questions concerning technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures. Each such committee shall consist of representatives of United States industry and government. No person serving on any such committee who is representative of industry shall serve on such committee for more than two consecutive years.

“(2) It shall be the duty and function of the technical advisory committees established under paragraph (1) to advise and assist the Secretary of Commerce and any other department, agency, or official of the Government of the United States to which the President has delegated power, authority, and discretion under section 4(d) with respect to actions designed to carry out the policy set forth in section 3 of this Act. Such committees shall be consulted with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, or licensing procedures which may affect the level of export controls applicable to any articles, materials, or supplies, including technical data or other information, and including those whose export is subject to multilateral controls undertaken with nations with which the United States has defense treaty commitments, for which the committees have expertise. Such committees shall also be consulted and kept fully informed of
progress with respect to the investigation required by section 4(b)(2)
of this Act. Nothing in this subsection shall prevent the Secretary
from consulting, at any time, with any person representing industry
or the general public regardless of whether such person is a member
of a technical advisory committee. Members of the public shall be
given a reasonable opportunity, pursuant to regulations prescribed by
the Secretary of Commerce, to present evidence to such committees.

“(3) Upon request of any member of any such committee, the
Secretary may, if he determines it appropriate, reimburse such member
for travel, subsistence, and other necessary expenses incurred by him in
connection with his duties as a member.

“(4) Each such committee shall elect a chairman, and shall meet at
least every three months at the call of the Chairman, unless the Chairman
determines, in consultation with the other members of the commit­
te, that such a meeting is not necessary to achieve the purposes of this
Act. Each such committee shall be terminated after a period of two
years, unless extended by the Secretary for additional periods of two
years. The Secretary shall consult each such committee with regard to
such termination or extension of that committee.”

Sec. 106. Section 14 of the Export Administration Act of 1969 is
amended by striking out “August 1, 1972” and inserting in lieu thereof
“June 30, 1974”.

Sec. 107. Nothing in this title shall be construed to require the re­
lease or publication of information which is classified pursuant to
Executive order or to affect the confidentiality safeguards provided in
section 7(c) of the Export Administration Act of 1969.

Sec. 108. The provisions of this title take effect as of the close of
July 31, 1972.

TITLE II—COUNCIL ON INTERNATIONAL ECONOMIC
POLICY

SHORT TITLE

Sec. 201. This title may be cited as the “International Economic
Policy Act of 1972”.

STATEMENT OF PURPOSES

Sec. 202. It is the purpose of this title to provide for closer Federal
interagency coordination in the development of a more rational and
orderly international economic policy for the United States.

FINDINGS AND POLICY

Sec. 203. The Congress finds that there are many activities under­
taken by various departments, agencies, and instrumentalities of the
Federal Government which, in the aggregate, constitute the domestic
and international economic policy of the United States. The Congress
further finds that the objectives of the United States with respect to
a sound and purposeful international economic policy can be better
accomplished through the closer coordination of (1) domestic and
foreign economic activity, and (2) in particular, that economic
behavior which, taken together, constitutes United States interna­
tional economic policy. Therefore this Act establishes a Council on
International Economic Policy which will provide for—

(A) a clear top level focus for the full range of international
economic issues; deal with international economic policies includ­ing
trade, investment, balance of payments, and finance as a
coherent whole;
(B) consistency between domestic and foreign economic policy; and

(C) close coordination with basic foreign policy objectives.

The Congress intends that the Council shall be provided with the opportunity to (i) investigate problems with respect to the coordination, implementation, and long-range development of international economic policy, and (ii) make appropriate findings and recommendations for the purpose of assisting in the development of a rational and orderly international economic policy for the United States.

**Creation of Council on International Economic Policy**

Sec. 204. There is created in the Executive Office of the President a Council on International Economic Policy (hereinafter referred to in this title as the "Council").

**Membership**

Sec. 205. The Council shall be composed of the following members and such additional members as the President may designate:

1. The President.
2. The Secretary of State.
3. The Secretary of the Treasury.
4. The Secretary of Defense.
5. The Secretary of Agriculture.
6. The Secretary of Commerce.
7. The Secretary of Labor.
8. The Director of the Office of Management and Budget.
10. The Special Representative for Trade Negotiations.

The President shall be the Chairman of the Council and shall preside over the meetings of the Council; in his absence he may designate a member of the Council to preside in his place.

**Duties of the Council**

Sec. 206. Subject to the direction of the President, and in addition to performing such other functions as he may direct, the Council shall—

1. Assist and advise the President in the preparation of the International Economic Report required under section 207.
2. Review the activities and the policies of the United States Government which indirectly or directly relate to international economics and, for the purpose of making recommendations to the President in connection therewith, consider with some degree of specificity the substance and scope of the international economic policy of the United States, which consideration shall include examination of the economic activities of (A) the various agencies, departments, and instrumentalities of the Federal Government, (B) the several States, and (C) private industry.
3. Collect, analyze, and evaluate authoritative information, current and prospective, concerning international economic matters. Such evaluations shall include but not be limited to the impact of international trade on the level, stability, and financial rewards for domestic labor and the impact of the multinational corporation on international trade flows.
4. Consider policies and programs for coordinating the activities of all the departments and agencies of the United States with one another for the purpose of accomplishing a more con-
sistent international economic policy, and make recommendations
to the President in connection therewith.
(5) Continually assess the progress and effectiveness of Fed­
eral efforts to carry out a consistent international economic
policy.
(6) Make recommendations to the President for domestic and
foreign programs which will promote a more consistent interna­
tional economic policy on the part of the United States and
private industry. Recommendations under this paragraph shall
include, but shall not be limited to, policy proposals relating to
monetary mechanisms, foreign investment, trade, the balance
of payments, foreign aid, taxes, international tourism and avia­
tion, and international treaties and agreements relating to all
such matters. In addition to other appropriate objectives, such
policy proposals should be developed with a view toward—
(A) strengthening the United States competitive position
in world trade;
(B) achieving equilibrium in international payment
accounts of the United States;
(C) increasing exports of goods and services;
(D) protecting and improving the earnings of foreign
investments consonant with the concepts of tax equity and
the need for domestic investment;
(E) achieving freedom of movement of people, goods, capital,
information, and technology on a reciprocal and world­
wide basis;
(F) increasing the real employment and income of workers
and consumers on the basis of international economic activity;
and
(G) preserving the diversified industrial base of the United
States.

Sec. 207. (a) The President shall transmit to the Congress an annual
report on the international economic position of the United States.
Such report (hereinafter referred to as the “International Economic
Report”) shall be submitted not later than sixty days after the begin­
ning of each regular session of the Congress, and shall include—
(1) information and statistics describing characteristics of
international economic activity and identifying significant cur­
cent and foreseeable trends and developments;
(2) a review of the international economic program of the
Federal Government and a review of domestic and foreign eco­
nomic conditions and other significant matters affecting the
balance of international payments of the United States and of
their effect on the international trade, investment, financial, and
monetary position of the United States;
(3) a review of the impact of international voluntary stand­
ards, the foreign investments of United States based transnational
firms, and the level of foreign wage rates on the level, stability,
and financial reward for domestic employment; and
(4) a program for carrying out the policy objectives of this
title, together with such recommendations for legislation as he
may deem necessary or desirable.
(b) The President may transmit from time to time to the Con­
gress reports supplementary to the International Economic Report,
each of which may include such supplementary or revised recom­
mendations as he may deem necessary or desirable to achieve the
purposes and policy objectives set forth in this title.
SEC. 208. (a) The staff of the Council shall be headed by an Executive Director who shall be appointed by the President, and he shall be compensated at the rate now or hereafter provided for level II of the Executive Schedule (5 U.S.C. 5313). He shall keep the Committee on Banking, Housing and Urban Affairs of the Senate, the Committee on Banking and Currency of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and the Joint Economic Committee fully and currently informed regarding the activities of the Council.

(b) (1) With the approval of the Council, the Executive Director may appoint and fix the compensation of such staff personnel as he deems necessary. Except as provided in paragraph (2), the staff of the Council shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(2) With the approval of the Council, the Executive Director may appoint and fix the compensation of one officer at a rate of basic compensation not to exceed the rate provided for level IV of the Federal Executive Salary Schedule, and appoint and fix the compensation of two officers at rates of basic compensation not to exceed the rate provided for level V of the Federal Executive Salary Schedule.

(c) With the approval of the Council, the Executive Director may procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for GS-18.

(d) Upon request of the Executive Director, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of its personnel to the Council to assist it in carrying out its duties under this title.

SEC. 209. The provisions of this title shall expire on June 30, 1973, unless extended by legislation enacted by the Congress.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 210. For the purpose of carrying out the provisions of this title, there are authorized to be appropriated not to exceed $1,400,000 for fiscal year 1973.

Approved August 29, 1972.

Public Law 92-413

AN ACT

To amend section 2735 of title 10, United States Code, to provide for the finality of settlement effected under section 2733, 2734, 2734a, 2734b, or 2737.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2735 of title 10, United States Code, is amended to read as follows:

“§ 2735. Settlement: final and conclusive

“Notwithstanding any other provision of law, the settlement of a claim under section 2733, 2734, 2734a, 2734b, or 2737 of this title is final and conclusive.”

Approved August 29, 1972.