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THE DEPARTMENT OF STATE  
**BULLETIN**

Volume LXXV • No. 1952 • November 22, 1976

NUCLEAR POLICY

*Statement by President Ford 629*

SECRETARY KISSINGER'S NEWS CONFERENCE  
AT HARTFORD, CONNECTICUT, OCTOBER 27 640

THE OFFICIAL WEEKLY RECORD OF UNITED STATES FOREIGN POLICY

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# THE DEPARTMENT OF STATE BULLETIN

VOL. LXXV, No. 1952  
November 22, 1976

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*The Department of State BULLETIN, a weekly publication issued by the Office of Media Services, Bureau of Public Affairs, provides the public and interested agencies of the government with information on developments in the field of U.S. foreign relations and on the work of the Department and the Foreign Service.*

*The BULLETIN includes selected press releases on foreign policy, issued by the White House and the Department, and statements, addresses, and news conferences of the President and the Secretary of State and other officers of the Department, as well as special articles on various phases of international affairs and the functions of the Department. Information is included concerning treaties and international agreements to which the United States is or may become a party and on treaties of general international interest.*

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For sale by the Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402

**PRICE:**

52 issues plus semiannual indexes,  
domestic \$42.50, foreign \$53.15  
Single copy 85 cents

The Secretary of State has determined that the publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this periodical has been approved by the Director of the Office of Management and Budget through January 31, 1981.

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## Nuclear Policy

*Statement by President Ford*<sup>1</sup>

We have known since the age of nuclear energy began more than 30 years ago that this source of energy had the potential for tremendous benefits for mankind and the potential for unparalleled destruction.

On the one hand, there is no doubt that nuclear energy represents one of the best hopes for satisfying the rising world demand for energy with minimum environmental impact and with the potential for reducing dependence on uncertain and diminishing world supplies of oil.

On the other hand, nuclear fuel, as it produces power, also produces plutonium, which can be chemically separated from the spent fuel. The plutonium can be recycled and used to generate additional nuclear power, thereby partially offsetting the need for additional energy resources. Unfortunately—and this is the root of the problem—the same plutonium produced in nuclear power plants can, when chemically separated, also be used to make nuclear explosives.

The world community cannot afford to let potential nuclear weapons material or the technology to produce it proliferate uncontrolled over the globe. The world community must insure that production and utilization of such material by any nation is carried out under the most stringent security conditions and arrangements.

Developing the enormous benefits of nuclear energy while simultaneously develop-

ing the means to prevent proliferation is one of the major challenges facing all nations of the world today.

The standards we apply in judging most domestic and international activities are not sufficiently rigorous to deal with this extraordinarily complex problem. Our answers cannot be partially successful. They will either work, in which case we shall stop proliferation, or they will fail and nuclear proliferation will accelerate as nations initially having no intention of acquiring nuclear weapons conclude that they are forced to do so by the actions of others. Should this happen, we would face a world in which the security of all is critically imperiled. Maintaining international stability in such an environment would be incalculably difficult and dangerous. In times of regional or global crisis, risks of nuclear devastation would be immeasurably increased—if not through direct attack, then through a process of ever-expanding escalation.

The problem can be handled as long as we understand it clearly and act wisely in concert with other nations. But we are faced with a threat of tragedy if we fail to comprehend it or to take effective measures.

Thus, the seriousness and complexity of the problem place a special burden on those who propose ways to control proliferation. They must avoid the temptation for rhetorical gestures, empty threats, or righteous posturing. They must offer policies and programs which deal with the

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<sup>1</sup> Issued on Oct. 28 (text from White House press release).

world as it is, not as we might wish it to be. The goal is to prevent proliferation, not simply to deplore it.

The first task in dealing with the problem of proliferation is to understand the world nuclear situation.

More than 30 nations have or plan to build nuclear power plants to reap the benefits of nuclear energy. The 1973 energy crisis dramatically demonstrated to all nations not only the dangers of excessive reliance on oil imports but also the reality that the world's supply of fossil fuels is running out. As a result, nuclear energy is now properly seen by many nations as an indispensable way to satisfy rising energy demand without prematurely depleting finite fossil fuel resources. We must understand the motives which are leading these nations, developed and developing, to place even greater emphasis than we do on nuclear power development. For unless we comprehend their real needs, we cannot expect to find ways of working with them to insure satisfaction of both our and their legitimate concerns.

Moreover, several nations besides the United States have the technology needed to produce both the benefits and the destructive potential of nuclear energy. Nations with such capabilities are able to export their technology and facilities.

Thus, no single nation, not even the United States, can realistically hope—by itself—to control effectively the spread of reprocessing technology and the resulting availability of plutonium.

The United States once was the dominant world supplier of nuclear material, equipment, and technology. While we remain a leader in this field, other suppliers have come to share the international market—with the United States now supplying less than half of nuclear reactor exports.

In short, for nearly a decade the United States has not had a monopoly on nuclear technology. Although our role is large, we are not able to control worldwide nuclear development.

For these reasons, action to control pro-

liferation must be an international cooperative effort involving many nations, including both nuclear suppliers and customers. Common standards must be developed and accepted by all parties. If this is not done, unrestrained trade in sensitive nuclear technology and materials will develop—with no one in a position to stop it.

We in the United States must recognize that interests in nuclear energy vary widely among nations. We must recognize that some nations look to nuclear energy because they have no acceptable energy alternative. We must be sure that our efforts to control proliferation are not viewed by such nations as an act to prevent them from enjoying the benefits of nuclear energy. We must be sure that all nations recognize that the United States believes that nonproliferation objectives must take precedence over economic and energy benefits if a choice must be made.

#### **Previous Action**

During the past 30 years, the United States has been the unquestioned leader in worldwide efforts to assure that the benefits of nuclear energy are made available widely while its destructive uses are prevented. I have given special attention to these objectives during the past two years, and we have made important new progress, particularly in efforts to control the proliferation of nuclear weapons capability among the nations of the world.

In 1974, soon after I assumed office, I became concerned that some nuclear supplier countries, in order to achieve competitive advantage, were prepared to offer nuclear exports under conditions less rigorous than we believed prudent. In the fall of that year, at the U.N. General Assembly, the United States proposed that nonproliferation measures be strengthened materially. I also expressed my concern directly to my counterparts in key supplier and recipient nations. I directed the Secretary of State to emphasize multilateral action to limit this dangerous form of competition.

At U.S. initiative, the first meeting of major nuclear suppliers was convened in London in April 1975. A series of meetings and intensive bilateral consultations followed.

As a result of these meetings, we have significantly raised international standards through progressive new guidelines to govern nuclear exports. These involve both improved safeguards and controls to prevent diversion of nuclear materials and to guard against the misuse of nuclear technology and physical protection against theft and sabotage. The United States has adopted these guidelines as policy for nuclear exports.

In addition, we have acted to deal with the special dangers associated with plutonium.

—We have prohibited export of reprocessing and other nuclear technologies that could contribute to proliferation.

—We have firmly opposed reprocessing in Korea and Taiwan. We welcome the decisions of those nations to forgo such activities. We will continue to discourage national reprocessing in other locations of particular concern.

—We negotiated agreements for cooperation with Egypt and Israel which contain the strictest reprocessing provisions and other nuclear controls ever included in the 20-year history of our nuclear cooperation program.

—In addition, the United States recently completed negotiations to place its civil nuclear facilities under the safeguards of the International Atomic Energy Agency—and the IAEA has approved a proposed agreement for this purpose.

#### **New Initiatives**

Last summer, I directed that a thorough review be undertaken of all our nuclear policies and options to determine what further steps were needed. I have considered carefully the results of that review, held discussions with congressional leaders, and benefited from consultations with lead-

ers of other nations. I have decided that new steps are needed, building upon the progress of the past two years. Today I am announcing a number of actions and proposals aimed at:

—Strengthening the commitment of the nations of the world to the goal of non-proliferation and building an effective system of international controls to prevent proliferation;

—Changing and strengthening U.S. domestic nuclear policies and programs to support our nonproliferation goals; and

—Establishing, by these actions, a sound foundation for the continued and increased use of nuclear energy in the United States and in the world in a safe and economic manner.

The task we face calls for an international cooperative venture of unprecedented dimensions. The United States is prepared to work with all other nations.

#### **Principal Policy Decisions**

I have concluded that the reprocessing and recycling of plutonium should not proceed unless there is sound reason to conclude that the world community can effectively overcome the associated risks of proliferation. I believe that avoidance of proliferation must take precedence over economic interests. I have also concluded that the United States and other nations can and should increase their use of nuclear power for peaceful purposes even if reprocessing and recycling of plutonium are found to be unacceptable.

Vigorous action is required domestically and internationally to make these judgments effective.

—I have decided that the United States should greatly accelerate its diplomatic initiatives, in conjunction with nuclear supplier and consumer nations, to control the spread of plutonium and technologies for separating plutonium.

Effective nonproliferation measures will

require the participation and support of nuclear suppliers and consumers. There must be coordination in restraints so that an effective nonproliferation system is achieved, and there must be cooperation in assuring reliable fuel supplies so that peaceful energy needs are met.

—I have decided that the United States should no longer regard reprocessing of used nuclear fuel to produce plutonium as a necessary and inevitable step in the nuclear fuel cycle and that we should pursue reprocessing and recycling in the future only if they are found to be consistent with our international objectives.

We must insure that our domestic policies and programs are compatible with our international position on reprocessing and that we work closely with other nations in evaluating nuclear fuel reprocessing.

—The steps I am announcing today will assure that the necessary increase in our use of nuclear energy will be carried on with safety and without aggravating the danger of proliferation.

Even with strong efforts to conserve, we will have increasing demands for energy for a growing American economy. To satisfy these needs, we must rely on increased use of both nuclear energy and coal until more acceptable alternatives are developed. We will continue pushing ahead with work on all promising alternatives such as solar energy, but now we must count on the technology that works. We cannot expect a major contribution to our energy supply from alternative technologies until late in this century.

To implement my overall policy decisions, I have decided on a number of policies that are necessary and appropriate to meet our nonproliferation and energy objectives.

—First, our domestic policies must be changed to conform to my decision on deferral of the commercialization of chemical reprocessing of nuclear fuel which results in the separation of plutonium.

—Second, I call upon all nations to join us in exercising maximum restraint in the transfer of reprocessing and enrichment technology and facilities by avoiding such sensitive exports or commitments for a period of at least three years.

—Third, new cooperative steps are needed to help assure that all nations have an adequate and reliable supply of energy for their needs. I believe, most importantly, that nuclear supplier nations have a special obligation to assure that customer nations have an adequate supply of fuel for their nuclear power plants, if those customer nations forgo the acquisition of reprocessing and uranium enrichment capabilities and accept effective proliferation controls.

—Fourth, the United States must maintain its role as a major and reliable world supplier of nuclear reactors and fuel for peaceful purposes. Our strong position as a supplier has provided the principal basis for our influence and leadership in worldwide nonproliferation efforts. A strong position will be equally important in the future. While reaffirming this nation's intent to be a reliable supplier, the United States seeks no competitive advantage by virtue of the worldwide system of effective nonproliferation controls that I am calling for today.

—Fifth, new efforts must be made to urge all nations to join in a full-scale international cooperative effort—which I shall outline in detail—to develop a system of effective controls to prevent proliferation.

—Sixth, the United States must take new steps with respect to its own exports to control proliferation, while seeking to improve multilateral guidelines.

—Seventh, the United States must undertake a program to evaluate reprocessing in support of the international policies I have adopted.

—Finally, I have concluded that new steps are needed to assure that we have in place when needed, both in the United States and around the world, the facilities for the long-term storage or disposal of nuclear wastes.

## Actions To Implement Our Nuclear Policies

In order to implement the nuclear policies that I have outlined, major efforts will be required within the United States and by the many nations around the world with an interest in nuclear energy. To move forward with these efforts, I am today taking a number of actions and making a number of proposals to other nations.

### I. *Change in U.S. Policy on Nuclear Fuel Reprocessing*

With respect to nuclear fuel reprocessing, I am directing agencies of the executive branch to implement my decision to delay commercialization of reprocessing activities in the United States until uncertainties are resolved. Specifically, I am:

—Directing the Administrator of the Energy Research and Development Administration (ERDA) to:

- Change ERDA policies and programs which heretofore have been based on the assumption that reprocessing would proceed;
- Encourage prompt action to expand spent fuel storage facilities, thus assuring utilities that they need not be concerned about shutdown of nuclear reactors because of delays; and
- Identify the research and development efforts needed to investigate the feasibility of recovering the energy value from used nuclear fuel without separating plutonium.

### II. *Restraint in the Transfer of Sensitive Nuclear Technology and Facilities*

Despite the gains in controlling proliferation that have been made, the dangers posed by reprocessing and the prospect of uncontrolled availability of plutonium require further, decisive international action. Effective control of the parallel risk of spreading uranium enrichment technology is also necessary. To meet these dangers:

—I call upon all nations to join with us in exercising maximum restraint in the

transfer of reprocessing and enrichment technology and facilities by avoiding such sensitive exports or commitments for a period of at least three years.

This will allow suppliers and consumers to work together to establish reliable means for meeting nuclear needs with minimum risk, as we assess carefully the wisdom of plutonium use. As we proceed in these efforts, we must not be influenced by pressures to approve the export of these sensitive facilities.

### III. *Assuring an Adequate Energy Supply for Customer Nations*

—I urge nuclear suppliers to provide nuclear consumers with fuel services instead of sensitive technology or facilities.

Nations accepting effective nonproliferation restraints have a right to expect reliable and economic supply of nuclear reactors and associated nonsensitive fuel.

All such nations would share in the benefits of an assured supply of nuclear fuel, even though the number and location of sensitive facilities to generate this fuel is limited to meet nonproliferation goals. The availability of fuel cycle services in several different nations can provide ample assurance to consumers of a continuing and stable source of supply.

It is also desirable to continue studying the idea of a few suitably sited multinational fuel cycle centers to serve regional needs, when effectively safeguarded and economically warranted. Through these and related means, we can minimize incentives for the spread of dangerous fuel cycle capabilities.

The United States stands ready to take action, in cooperation with other concerned nations, to assure reliable supplies of nuclear fuel at equitable prices to any country accepting responsible restraints on its nuclear power program with regard to reprocessing, plutonium disposition, and enrichment technology.

—I am directing the Secretary of State

to initiate consultations to explore with other nations arrangements for coordinating fuel services and for developing other means of insuring that suppliers will be able to offer, and consumers will be able to receive, an uninterrupted and economical supply of low-enriched uranium fuel and fuel services.

These discussions will address ways to insure against economic disadvantage to cooperating nations and to remove any sources of competition which could undermine our common nonproliferation efforts.

To contribute to this initiative, the United States will offer binding letters of intent for the supply of nuclear fuel to current and prospective customers willing to accept such responsible restraints.

—In addition, I am directing the Secretary of State to enter into negotiations or arrangements for mutual agreement on disposition of spent fuel with consumer nations that adopt responsible restraints.

Where appropriate, the United States will provide consumer nations with either fresh, low-enriched uranium fuel or make other equitable arrangements in return for mutual agreement on the disposition of spent fuel where such disposition demonstrably fosters our common and cooperative nonproliferation objectives. The United States seeks no commercial advantage in pursuing options for fuel disposition and assured fuel supplies.

—Finally, the United States will continue to expand cooperative efforts with other countries in developing their indigenous nonnuclear energy resources.

The United States has proposed and continues to advocate the establishment of an International Energy Institute, specifically designed to help developing countries match the most economic and readily available sources of energy to their power needs. Through this Institute and other appropriate means, we will offer techno-

logical assistance in the development of indigenous energy resources.

#### IV. *Strengthening the U.S. Role as a Reliable Supplier*

If the United States is to continue its leadership role in worldwide nonproliferation efforts, it must be a reliable supplier of nuclear reactors and fuel for peaceful purposes. There are two principal actions we can take to contribute to this objective.

—I will submit to the new Congress proposed legislation that will permit the expansion of capacity in the United States to produce enriched uranium, including the authority needed for expansion of the government-owned plant at Portsmouth, Ohio. I will also work with Congress to establish a framework for a private, competitive industry to finance, build, own, and operate enrichment plants.

U.S. capacity has been fully committed since mid-1974, with the result that no new orders could be signed. The Congress did not act on my full proposal and provided only limited and temporary authority for proceeding with the Portsmouth plant. We must have additional authority to proceed with the expansion of capacity without further delay.

—I will work closely with the Congress to insure that legislation for improving our export controls results in a system that provides maximum assurance that the United States will be a reliable supplier to other nations for the full period of agreements.

One of the principal concerns with export legislation proposed in the last Congress was the fear that foreign customers could be subjected to arbitrary new controls imposed well after a long-term agreement and specific contracts for nuclear power plants and fuel had been signed. In the case of nuclear plants and fuel, reliable long-term agreements are essential, and we



must adopt export controls that provide reliability while meeting nonproliferation objectives.

### V. *International Controls Against Proliferation*

To reinforce the foregoing policies, we must develop means to establish international restraints over the accumulation of plutonium itself, whether in separated form or in unprocessed spent fuel. The accumulation of plutonium under national control, especially in a separated form, is a primary proliferation risk.

—I am directing the Secretary of State to pursue vigorously discussions aimed at the establishment of a new international regime to provide for storage of civil plutonium and spent reactor fuel.

The United States made this proposal to the International Atomic Energy Agency and other interested nations last spring.

Creation of such a regime will greatly strengthen world confidence that the growing accumulation of excess plutonium and spent fuel can be stored safely, pending reentry into the nuclear fuel cycle or other safe disposition. I urge the IAEA, which is empowered to establish plutonium depositories, to give prompt implementation to this concept.

Once a broadly representative IAEA storage regime is in operation, we are prepared to place our own excess civil plutonium and spent fuel under its control. Moreover, we are prepared to consider providing a site for international storage under IAEA auspices.

The inspection system of the IAEA remains a key element in our entire nonproliferation strategy. The world community must make sure that the Agency has the technical and human resources needed to keep pace with its expanding responsibilities. At my direction, we have recently committed substantial additional resources to help upgrade the IAEA's technical safeguards capabilities, and I believe we must

strengthen further the safeguards functions of the IAEA.

—I am directing the Secretary of State and Administrator of ERDA to undertake a major international effort to insure that adequate resources for this purpose are made available and that we mobilize our best scientific talent to support that Agency. Our principal national laboratories with expertise in this area have been directed to provide assistance, on a continuing basis, to the IAEA Secretariat.

The terrible increase in violence and terrorism throughout the world has sharpened our awareness of the need to assure rigorous protection for sensitive nuclear materials and equipment. Fortunately, the need to cope with this problem is now broadly recognized. Many nations have responded to the initiatives which I have taken in this area by materially strengthening their physical security and by cooperating in the development of international guidelines by the IAEA. As a result of consultations among the major suppliers, provision for adequate physical security is becoming a normal condition of supply.

We have an effective physical security system in the United States. But steps are needed to upgrade physical security systems and to assure timely international collaboration in the recovery of lost or stolen materials.

—I have directed the Secretary of State to address vigorously the problem of physical security at both bilateral and multilateral levels, including exploration of a possible international convention.

The United States is committed to the development of the system of international controls that I have here outlined. Even when complete, however, no system of controls is likely to be effective if a potential violator judges that his acquisition of a nuclear explosive will be received with indifference by the international community.

Any material violation of a nuclear safeguards agreement—especially the diversion of nuclear material for use in making explosives—must be universally judged to be an extremely serious affront to the world community, calling for the immediate imposition of drastic sanctions.

—I serve notice today that the United States will, at a minimum, respond to violation by any nation of any safeguards agreement to which we are a party with an immediate cutoff of our supply of nuclear fuel and cooperation to that nation.

We would consider further steps, not necessarily confined to the area of nuclear cooperation, against the violator nation. Nor will our actions be limited to violations of agreements in which we are directly involved. In the event of material violation of any safeguards agreement, particularly agreements with the IAEA, we will initiate immediate consultations with all interested nations to determine appropriate action.

Universal recognition of the total unacceptability of the abrogation or violation of any nonproliferation agreement is one of the most important steps which can be taken to prevent further proliferation. We invite all concerned governments to affirm publicly that they will regard nuclear wrongdoing as an intolerable violation of acceptable norms of international behavior which would set in motion strong and immediate countermeasures.

## VI. *U.S. Nuclear Export Policies*

During the past two years, the United States has strengthened its own national nuclear export policies. Our interests, however, are not limited to controls alone. The United States has a special responsibility to share the benefits of peaceful nuclear energy with other countries. We have sought to serve other nations as a reliable supplier of nuclear fuel and equipment.

Given the choice between economic benefits and progress toward our nonproliferation goals, we have given, and will continue to give, priority to nonproliferation. But

there should be no incompatibility between nonproliferation and assisting other nations in enjoying the benefits of peaceful nuclear power, if all supplier countries pursue common nuclear export policies.

There is need, however, for even more rigorous controls than those now commonly employed and for policies that favor nations accepting responsible nonproliferation limitations.

—I have decided that we will henceforth apply new criteria in judging whether to enter into new or expanded nuclear cooperation:

- Adherence to the Nonproliferation Treaty will be a strong positive factor favoring cooperation with a non-nuclear-weapon state.

- Non-nuclear-weapon states that have not yet adhered to the Nonproliferation Treaty will receive positive recognition if they are prepared to submit to full fuel cycle safeguards, pending adherence.

- We will favor recipient nations that are prepared to forgo, or postpone for a substantial period, the establishment of national reprocessing or enrichment activities or, in certain cases, prepared to shape and schedule their reprocessing and enriching facilities to foster nonproliferation needs.

- Positive recognition will also be given to nations prepared to participate in an international storage regime, under which spent fuel and any separated plutonium would be placed pending use.

Exceptional cases may occur in which nonproliferation will be served best by cooperating with nations not yet meeting these tests. However, I pledge that the Congress will not be asked to approve any new or amended agreement not meeting these new criteria unless I personally determine that the agreement is fully supportive of our nonproliferation goals. In case of such a determination, my reasons will be fully presented to the Congress.

—With respect to countries that are current recipients of U.S. nuclear supply, I am

directing the Secretary of State to enter into negotiations with the objective of conforming these agreements to established international guidelines and to seek through diplomatic initiatives and fuel supply incentives to obtain their acceptance of our new criteria.

We must recognize the need for effective multilateral approaches to nonproliferation and prevent nuclear export controls from becoming an element of commercial competition.

—I am directing the Secretary of State to intensify discussions with other nuclear suppliers aimed at expanding common guidelines for peaceful cooperative agreements so that they conform with these criteria.

In this regard, the United States would discuss ways of developing incentives that can lead to acceptance of these criteria, such as assuring reliable fuel supplies for nations accepting new restraints.

The reliability of American assurances to other nations is an asset that few, if any, nations of the world can match. It must not be eroded. Indeed, nothing could more prejudice our efforts to strengthen our existing nonproliferation understandings than arbitrary suspensions or unwarranted delays in meeting supply commitments to countries which are dealing with us in good faith regarding effective safeguards and restraints.

Despite my personal efforts, the 94th Congress adjourned without passing nuclear export legislation which would have strengthened our effectiveness in dealing with other nations on nuclear matters.

—In the absence of such legislation, I am directing the Secretary of State to work closely with the Nuclear Regulatory Commission (NRC) to insure proper emphasis on nonproliferation concerns in the nuclear export licensing process.

I will continue to work to develop bipartisan support in Congress for improvements in our nuclear export laws.

## VII. *Reprocessing Evaluation Program*

The world community requires an aggressive program to build the international controls and cooperative regimes I have just outlined. I am prepared to mount such a program in the United States.

—I am directing the Administrator of ERDA to:

- Begin immediately to define a reprocessing and recycle evaluation program consistent with meeting our international objectives outlined earlier in this statement. This program should complement the Nuclear Regulatory Commission's ongoing considerations of safety safeguards and environmental requirements for reprocessing and recycling activities, particularly its Generic Environmental Statement on Mixed Oxide Fuels.

- Investigate the feasibility of recovering the energy value from used nuclear fuel without separating out plutonium.

—I am directing the Secretary of State to invite other nations to participate in designing and carrying out ERDA's reprocessing and recycle evaluation program, consistent with our international energy cooperation and nonproliferation objectives. I will direct that activities carried out in the United States in connection with this program be subjected to full IAEA safeguards and inspections.

## VIII. *Nuclear Waste Management*

The area of our domestic nuclear program dealing with long-term management of nuclear wastes from our commercial nuclear power plants has not in the past received sufficient attention. In my 1977 budget, I proposed a fourfold increase in funding for this program, which involves the activities of several Federal agencies. We recently completed a review to determine what additional actions are needed to assure availability in the mid-1980's of a Federally owned and managed repository for long-term nuclear wastes, well be-

fore significant quantities of wastes begin to accumulate.

I have been assured that the technology for long-term management or disposal of nuclear wastes is available but demonstrations are needed.

—I have directed the Administrator of ERDA to take the necessary action to speed up this program so as to demonstrate all components of waste management technology by 1978 and to demonstrate a complete repository for such wastes by 1985.

—I have further directed that the first demonstration depository for high-level wastes which will be owned by the government be submitted for licensing by the independent NRC to assure its safety and acceptability to the public.

In view of the decisions announced today, I have also directed the Administrator of ERDA to assure that the waste repository will be able to handle spent fuel elements as well as the separated and solidified waste that would result if we proceed with nuclear fuel reprocessing.

The United States continues to provide world leadership in nuclear waste management. I am inviting other nations to participate in and learn from our programs.

—I am directing the Secretary of State to discuss with other nations and the IAEA the possibility of establishing centrally located, multinationally controlled nuclear waste repositories so that the number of sites that are needed can be limited.

#### **Increased Use of Nuclear Energy in the U.S.**

Even with strong conservation efforts, energy demands in the United States will continue to increase in response to the needs of a growing economy. The only alternative over the next 15–20 years to increased use of both nuclear energy and coal is greater reliance on imported oil, which will jeopardize our nation's strength and welfare.

We now have in the United States 62 licensed nuclear plants, providing about 9 percent of our electrical energy. By 1985

we will have from 145 to 160 plants, supplying 20 percent or more of the nation's electricity.

In many cases, electricity from nuclear plants is markedly cheaper than that produced from either oil or coal-fired plants. Nuclear energy is environmentally preferable in a number of respects to other principal ways of generating electricity.

Commercial nuclear power has an excellent safety record, with nearly 200 plant-years of experience (compiled over 18 chronological years) without a single death from a nuclear accident. I have acted to assure that this record is maintained in the years ahead. For example, I have increased funds for the independent Nuclear Regulatory Commission and for the Energy Research and Development Administration for reactor safety research and development.

The decisions and actions I am announcing today will help overcome the uncertainties that have served to delay the expanded use of nuclear energy in the United States. While the decision to delay reprocessing is significant, it will not prevent us from increasing our use of nuclear energy. We are on the right course with our nuclear power program in America. The changes I am announcing today will insure that we continue.

My decisions today do not affect the U.S. program of research and development on the breeder reactor. That program assumes that no decision on the commercial operations of breeder reactors, which require plutonium fuel, will be made before 1986.

#### **Conclusion**

I do not underestimate the challenge represented in the creation of a worldwide program that will permit capturing the benefits of nuclear energy while maintaining needed protection against nuclear proliferation. The challenge is one that can be managed only partially and temporarily by technical measures.

It can be managed fully if the task is faced realistically by nations prepared to

forgo perceived short-term advantages in favor of fundamental long-term gains. We call upon all nations to recognize that their individual and collective interests are best served by internationally assured and safeguarded nuclear fuel supply, services, and storage. We ask them to turn aside from pursuing nuclear capabilities which are of doubtful economic value and have ominous implications for nuclear proliferation and instability in the world.

The growing international consensus against the proliferation of nuclear weapons is a source of encouragement. But it is certainly not a basis for complacency.

Success in meeting the challenge now before us depends on an extraordinary coordination of the policies of all nations toward the common good. The United States is prepared to lead, but we cannot succeed alone. If nations can work together constructively and cooperatively to manage our common nuclear problems, we will enhance our collective security. And we will be better able to concentrate our energies and our resources on the great tasks of construction rather than consume them in increasingly dangerous rivalry.

## **Immigration and Nationality Act Amendments Signed Into Law**

*Statement by President Ford*<sup>1</sup>

I have signed H.R. 14535, the Immigration and Nationality Act Amendments of 1976.<sup>2</sup> This legislation brings our immigration procedures for the Western Hemi-

<sup>1</sup> Issued on Oct. 21 (text from White House press release).

<sup>2</sup> Public Law 94-571; approved Oct. 20.

sphere into line with those for the Eastern Hemisphere. Among other things the enrolled bill would:

—Apply the preference system currently applicable to Eastern Hemisphere immigrants to natives of countries of the Western Hemisphere (with minor modifications);

—Apply the 20,000-per-country limit to countries of the Western Hemisphere;

—Make Western Hemisphere immigrants eligible for adjustment of status to that of lawful permanent residents on an equal basis with Eastern Hemisphere immigrants;

—Apply the labor certification requirements equally to immigrants native to both hemispheres; and

—Provide that Cuban refugees covered under the Cuban Refugee Act of 1966 will not be charged to the Western Hemisphere quota (of 120,000 per year).

This legislation will also facilitate the reunification of Mexican-American families by giving preference to Mexican nationals who are close relatives of U.S. citizens or lawful permanent residents, or who have needed job skills. I am concerned, however, about one aspect of the legislation which has the effect of reducing the legal immigration into this country from Mexico. Currently about 40,000 natives of Mexico legally immigrate to the United States each year. This legislation would cut that number in half.

The United States has a very special and historic relationship with our neighbor to the south. In view of this special status we have with the Mexican Government and the Mexican people, I will submit legislation to the Congress in January to increase the immigration quotas for Mexicans desiring to come to the United States.

## Secretary Kissinger's News Conference at Hartford, Connecticut, October 27

*Following is the transcript of a news conference held by Secretary Kissinger on October 27 at Hartford, Conn., where he addressed the Executive Forum of the Connecticut World Affairs Center.*

Press release 533 dated October 28

*Q. Mr. Secretary, the other day an authoritative Iranian source, namely, the Shah, was interviewed by CBS, and he said that he has SAVAK secret service agents, or secret police agents, on duty in the United States and they are there, he said, "checking up on anybody who becomes affiliated with circles, or organizations held hostage by a country, which is the role of any intelligence organization," and he went on to say that "they are there with the knowledge and consent of the U.S. Government." First, is that true? And second, if it is true, is that in conformity with American law?*

*Secretary Kissinger:* It is true, undoubtedly, that there are members of the Iranian intelligence services attached to the Iranian Embassy, just as there are members of the intelligence services of other countries attached to the Embassies of their country. It is not the practice in diplomacy to challenge the credentials that a country gives to its diplomatic personnel.

It is not correct that the United States is aware of the fact that Iranian intelligence personnel are checking on individuals living in the United States or keeping them under surveillance. We are making inquiries about this matter, and if it is correct we are going to ask that it be stopped.

*Q. Mr. Secretary, the Geneva talks open*

*tomorrow on the future of Rhodesia. Can you tell us if you had the explicit approval of the frontline African states—and, indeed, of the Rhodesian nationalists—for the six-point package that Ian Smith says cannot be broken apart, has to be swallowed whole or not at all?*

*Secretary Kissinger:* I have pointed out before that the negotiation about Rhodesia is an extremely complicated one. It involves four nationalist participants in Geneva. It involves Ian Smith. It involves the British. In addition, the so-called frontline states have observers there. So we're dealing with an extremely complicated situation.

The five points that Ian Smith presented grew out of discussions that he and I had in Pretoria; and they, in turn, grew out of five missions—three American and two British—that had gone to Africa to determine what a possible basis for a settlement would be.

Obviously the conference is assembled for the purpose of negotiation. The five points included items which we believe could form the basis for discussion and which, in their major part, might be acceptable. However, one cannot prejudge the outcome of a negotiation, and I think we have to wait now until the negotiations actually get going before we can determine what the outcome will be.

*Q. If I may follow up, are you saying, then, that the African states and the Rhodesian nationalists understood at the time that the five points would be negotiable in Geneva, and did Smith understand that?*

*Secretary Kissinger:* The genesis of the five points is a rather complicated one, with a central core of it and some points that were added in the course of negotiations.

In the course of these negotiations, it was not possible to assemble all of the frontline Presidents, nor did we talk to any of the nationalist leaders, because we were following an agreement we had made with President Nyerere of Tanzania that we would not deal directly with nationalist leaders and let the frontline Presidents do it. Now, therefore, each of the participants must be given an opportunity to express himself before any final determination can be made.

*Q. Mr. Secretary, if the talks stalemate in Geneva, will you intervene directly? If not, will that give credence to critics who say that your African shuttle diplomacy was political, for Presidential politics per se?*

*Secretary Kissinger:* Let's remember, now, when this African policy started. We took the first steps in March. I took my first trip to Africa in April at a time when it was the common wisdom of everybody that it would be a liability to President Ford in his primary campaign. At that time we had no idea of when it would culminate. On the other hand, it would have been very strange for the United States not to take a step toward peace in southern Africa just because a campaign was going on in this country—all the more so since this is not a controversial item in American politics as between the two parties.

So the United States is pursuing its policy in Africa for the peace of the world, to prevent a race war in Africa, and to make its contribution toward a peaceful evolution based on justice. If the negotiations in Geneva stalemate, which I do not expect, the United States will do its best to get them started again. We have an observer in Geneva now. We will—next week, when the talks start in earnest we will reinforce our delegation in Geneva, which is there not technically as an observer but as a con-

tact point. We will do what we are asked by the parties and what can be helpful to bring the negotiations to a successful conclusion.

*Q. I include the portion about the Presidential politics because of the fact that it was thought that this road was taken because of the election that's coming up for the black Americans who are going to vote.*

*Secretary Kissinger:* The road was taken—first of all it was started about eight months ago. The route was taken because it seemed to us—and it was a judgment confirmed by everybody—that a race war was imminent in southern Africa, that it would lead to tremendous loss of life, that it would have global consequences. And we wanted to bring about an evolution toward justice, majority rule, and minority rights in southern Africa by an evolutionary process including negotiations. It was the judgment of all the people, including foreign leaders, that if it were not done now the situation might get out of control. There were no political intentions, and it hasn't been used politically.

#### **Relations Between the U.S.S.R. and China**

*Q. Mr. Secretary, the Soviet newspaper Pravda has accused you of trying to obstruct normalization of relations between the Soviet Union and China. And I cite your recent remarks that the United States would view with great concern the outside pressures or intervention in China. Pravda called the remarks "a clumsy invention," and said you were doing this for reasons of Presidential politics.*

*Two questions: What's your general reaction to that? And secondly, have the Soviets totally misread your warning?*

*Secretary Kissinger:* I suppose it's going to be impossible for me to do anything until November 2 which isn't going to be charged to Presidential politics. I don't know whether the Soviet Union, with its record of elections, is the best to judge what affects American politics.

The statement was made in response to a question; it was not volunteered. I pointed out, in the unsettled conditions which were then existing and which were in part generated by Soviet newspaper articles, that an attack by the Soviet Union on China would be a grave matter.

The Soviet Union knows better than we whether it has any intention of attacking China. We did not say that they were intending to attack China. We simply stated our position in case this happened. We are not attempting to obstruct normalization of relations between these two countries. That is beyond our capacity to do, and it isn't our policy. We pointed out the consequences of actions which we did not necessarily predict in order for there to be no misunderstanding during conditions that were, after all, somewhat unsettled.

*Q. Mr. Secretary, if President Ford is elected on Tuesday, will you continue as Secretary of State? If Jimmy Carter is elected, what will you do?*

*Secretary Kissinger:* I have made no plans for what I will do in the improbable event that your second question raised. [Laughter.] In case President Ford is elected, I have indicated for many months that I would then discuss my plans with him. And of course I would want to hear his reactions and his views before I make any final decision.

*Q. Mr. Secretary, there was a report last week that you might continue for a year. Is there any truth to that?*

*Secretary Kissinger:* I have not had any discussion with the President. You know his public statements about his views on the matter, but I have had no discussion with him about it.

*Q. Let me ask you a question about Connecticut. Several months ago a Colt firearms employee was sentenced to a prison term for his part in illegally selling guns to South Africa. There's a grand jury investigation continuing in Connecticut involving both Colt and Win-*

*chester. Part of the evidence developed is that both companies had open dealings with gun dealers in South Africa in violation of the U.S. embargo.*

*Does the State Department tacitly approve these sales? And they went on for five years before there was any action. Doesn't the State Department—*

*Secretary Kissinger:* You're asking me whether—

*Q. Wasn't the State Department aware of the sales? Did it tacitly approve them?*

*Secretary Kissinger:* Well, I have to tell you candidly I don't know this case. It is inconceivable to me that the State Department tacitly approved the sale of arms when it is American policy to embargo the sale of arms to South Africa. So without knowing the facts of the case, which I'll have to look into—

*Q. Even so, the case went so far that at least one gun dealer to South Africa visited the companies in Connecticut to arrange the sale.*

*Secretary Kissinger:* Well, South Africans are free to travel in the United States. The question is, did the Department of State cooperate with them or did anyone close his eyes to their purchases? And it is the policy of the Department of State to enforce the arms embargo against South Africa.

#### **Nonrecognition of Republic of Transkei**

*Q. I had one other question about South Africa. The United Nations, in the General Assembly, voted yesterday 134 to 0 to, in effect, ignore the new Republic of Transkei. The United States abstained. Do you approve of that abstention?*

*Secretary Kissinger:* Well, it is safe to assume that I instructed our delegation to abstain. [Laughter.]

Now, with respect to the Transkei, the United States will not recognize the Transkei, will not establish diplomatic relations



with it. Our objection did not concern the essential points of the resolution. And in fact, if the resolution had been checked with us ahead of time, I am certain we could have modified it to a point so that we would not have had to abstain.

The difficulty with the new resolution was that, on the one hand, they refused to recognize—called on members not to recognize the Transkei, and that part we agreed with; on the other, they called on all members not to have any dealings with anybody in the Transkei, which had the consequence almost of recognizing it. And the United States, precisely because it will continue to deal with Transkei as if it were part of South Africa, cannot accept the proposition that we cannot deal with people that live in the Transkei just because South Africa has declared it an independent state.

So our objection was a technical one, and if the United Nations had separated that one part of it from the rest of it, we would have voted for it.

*Q. Mr. Secretary, the Canadian press has expressed its concern about Arab boycott policy to the effect that American-owned companies in Canada [inaudible]. Now, are there other allies who share the same concern?*

*Secretary Kissinger:* We have had over a period of years, consistently, difficulty with American laws that we are attempting to apply in other countries—to American subsidiaries domiciled in foreign countries or to corporations of foreign countries that have a large number or a significant number of American directors. We had this problem in connection with the Cuba boycott, and we have it now in connection with the Arab boycott.

This is a matter which we are studying and which has no easy solution, because if we exempt the American subsidiaries abroad then any American company can avoid a great deal of American legislation simply by letting its subsidiaries abroad handle those matters that are the subject

of the legislation. On the other hand, we can understand the concern of a country about the attempt to apply American legislation in its own jurisdiction. I discussed this subject with the Canadian Foreign Minister when he visited me two weeks ago, and we're going to pursue these discussions in order to find an amicable solution.

*Q. Mr. Secretary, President Ford has made the most of Governor Carter's remarks on Yugoslavia, and Governor Carter has done the same with the President's remarks on Eastern Europe. And you yourself have joined and jumped in on the remarks that the Governor made about Yugoslavia. Do you seriously believe that these observations are prompted by reactions of substance, or are the Governor, the President, and you yourself making the most of this for political reasons?*

*Secretary Kissinger:* Well, first of all, I made my comments in response to questions. I was not volunteering any comment.

Secondly, I would make a distinction between what the President said and what the Governor said. What the President said was a statement of fact, which was correctable. What the Governor said concerned an issue of policy, which could affect the calculation of foreign countries. It is my responsibility as Secretary of State that foreign countries not misunderstand what America considers to be its security interest—which concerns me more than the practical measures we might take to implement our security interest. And therefore I stated what six other Administrations have stated; namely, that the United States has an interest in the independence and nonalignment of Yugoslavia.

Now, I do not believe that it is fruitful to pursue this matter in the middle of a political campaign. I have noticed that Governor Carter yesterday modified his original statement. I think this is too serious an issue; it does affect the security of the United States. I do not believe that it is useful to belabor it in a political campaign,

and it should be addressed again after the campaign is over. There are only four more days.

*Q. Since it has come up, may I ask you whether you from your position, in the event of Soviet action against Yugoslavia, would recommend that the United States send troops to Yugoslavia's support?*

*Secretary Kissinger:* I think this is a totally wrong way to state the issue. I do not believe that the United States should give a checklist ahead of time, in areas where it does not have any formal commitments, about what precisely it would or would not do. I have stated, as have six Administrations before this one, that the United States would consider a threat to the independence and sovereignty and nonalignment of Yugoslavia a matter of grave concern. How we would implement this concern depends on the circumstances that will arise, and it is the purpose of our policy to prevent this threat from arising and not to give a checklist ahead of time of how we will meet it.

*Q. Mr. Secretary, in the latest edition of New Times magazine there is a story, I think—*

*Secretary Kissinger:* What magazine?

*Q. New Times—suggesting that you may have played more than a passive role in the wiretapping of Morton Halperin, among others. What exactly was your role in that?*

*Secretary Kissinger:* This is a subject that has been exhaustively gone into before congressional committees. It is now before the courts. There is voluminous testimony going into the thousands of pages by now, and it is impossible to answer it in a press conference. I stand on everything that I have said before congressional committees and in depositions before the courts.

*Q. Mr. Secretary, speaking of November 2, as you just did, what do you think about the propriety of a Secretary of State making a public appearance, talking about foreign policy only four or five days before the election,*

*while the Administration is making foreign policy and the lack of experience on the other side a major campaign issue?*

*Secretary Kissinger:* I haven't drawn any issue in foreign policy with respect to Governor Carter in this appearance. I'm answering questions by the press, and my speech here is on an off-the-record basis to a group of leading citizens of this area who invited me in July to come to this affair.

For the last two years, I have spoken at intervals of about two to three weeks in various parts of the country. And during the campaign I have made most of my appearances on an off-the-record basis before selected groups.

*Q. Mr. Secretary, can I follow that with a somewhat more philosophical question? Every four years it seems that we have a semiparalysis effect, partly because of political reasons and partly because of the uncertainties in a Presidential election. Obviously—there are obvious hazards. Can you see any solution of separating the conduct of foreign affairs and making it relatively stable and continuous, despite our democratic political system?*

*Secretary Kissinger:* I don't completely agree that there's a paralysis in foreign affairs. After all, we conducted the African initiative in the middle of the electoral campaign. But it is true that the American election tends to create a major factor of uncertainty in international affairs at regular intervals, and I think it is important to keep in mind that the interests of the United States and the values of the United States do not change every four years.

I have always believed that the foreign policy of the United States should be nonpartisan. I would certainly cooperate with any effort—whether I'm in office or out of office—to put it on a nonpartisan basis and to insulate it as much as possible from the ordinary political campaign, unless there is a fundamental issue of principle involved, which can happen occasionally.

## OPEC Oil Pricing

*Q. Mr. Secretary, William Seidman, the President's economic adviser, was here this morning, and he said that talks were going on in an effort to persuade the Arabs not to raise the prices of oil in December. I want to ask you a two-part question: what is the likelihood of persuading the Arabs to do that, to hold the line on oil prices? And if that persuasive talk fails, is there any counteraction that the United States could take to force a rollback of prices?*

*Secretary Kissinger:* Of course, it's technically not correct to speak only of the Arabs. It's OPEC [Organization of Petroleum Exporting Countries], which includes Iran, Venezuela, and several other major producers that are not part of the Arab countries.

With respect, however, to American actions in case present efforts—which are extensive—fail, the most effective method is a major American energy program; that is, a significant program of conservation, a significant program to develop alternative sources of energy. Until we reduce our dependence on imported oil, our bargaining position with respect to oil prices is likely to remain not as strong as it should be. And therefore in the new Congress it will be extremely important that a comprehensive energy program be passed because that, over the long term, is our most effective way of bringing a pressure on oil prices.

*Q. What about Mr. Carter's comments about a possible economic boycott if there were another Arab oil embargo?*

*Secretary Kissinger:* Well, Mr. Carter applied that to the case of an embargo, not to the case of an individual action such as the oil price rise. We have our questions whether an economic embargo will work, particularly as it exempted, in Mr. Carter's formulation, grains, which is the one irreplaceable item that we are supplying.

But again we are dealing here with a case in which we're attempting to prevent such a situation from arising and in which the gravest dangers are not the dangers of

a total embargo but of many intermediate steps that can be taken short of an embargo. We have improved our relationships with the Arab countries to a point where an embargo is conceivable only in the most extreme circumstances of a total collapse of all Middle East efforts, which we do not foresee.

## Helsinki Provisions on Human Rights

*Q. Mr. Secretary, as you mentioned earlier, one of the reasons that America intervened diplomatically in southern Africa was to restore basic human rights and dignity to the black majority there. In the same diplomatic breath, however, we have extended a friendly hand in terms of economic and political gains (sic) to Communist and military dictatorships where these basic human rights are only a dream. Does this mean that our foreign policy has a double standard?*

*Secretary Kissinger:* No. Our foreign policy has to set—first of all, it has to set priorities.

Secondly, with respect to Communist countries, the United States has always used its influence to promote emigration, to promote a greater liberalization to make it easier for families to be reunited, to give press greater access. In the Helsinki document, in the so-called basket 3, for the first time there has been an international acceptance by the Communist countries that participated that certain essential human rights were part of an international agreement.<sup>1</sup> Now, to be sure, they have not lived up to all its provisions and even most of its provisions; but it does give us criteria to which to appeal and criteria to which we will appeal in the 1977 review conference of the European Security Conference that will take place in Belgrade.

So we pursue the same principles in other countries, but the method of application will have to differ with circumstances.

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<sup>1</sup> For text of the Final Act of the Conference on Security and Cooperation in Europe, see BULLETIN of Sept. 1, 1975, p. 323; for "basket" 3, Co-operation in Humanitarian and Other Fields, see p. 339.

*Q. Mr. Secretary, could you tell us the degree of accuracy to reports that South Korea has been engaged in a campaign of bribery here in the United States on Capitol Hill?*

*Secretary Kissinger:* With respect to these stories, they are now being investigated by the Justice Department. The Department of State has made available all its information over a period of months to the Department of Justice, which will have to make the final decisions as to the validity of these charges.

### **Situation in Lebanon**

*Q. Mr. Secretary, Arab leaders have announced agreement on what they call a peace plan for Lebanon after a two-day conference in Cairo. Can this be a true step forward for peace in the Middle East, and especially for Lebanon, with Syria insisting on maintaining most of its 20-or-so thousand troops as about two-thirds of a peace force there?*

*Secretary Kissinger:* There have been of course, I believe, 60 cease-fires in Lebanon. And therefore to predict that any one agreement is going to mark the end of the conflict is hazardous. It's interesting that we had a report from Beirut yesterday that for the first time in months there was a traffic jam, which meant that the population felt secure enough to go out into the streets.

I believe that the Riyadh accord, as ratified by the Cairo summit, might well mark the beginning of a peaceful solution for Lebanon. The composition of the Arab force has not yet been agreed upon, but one would assume that it would have a preponderance of Syrians, since they are the largest number of troops that are there now.

The problem that now awaits solution is the relationship between the Christian and the Moslem communities in Lebanon.

The United States has always supported the independence and unity of Lebanon, but it also favors the ability of each community to lead its own life according to its

own traditions. And this remains to be worked out.

*Q. Mr. Secretary, is it true the United States is [inaudible] on international affairs, as charged by Jimmy Carter?*

*Secretary Kissinger:* I think in the last week of a campaign many things are said in which the candidates get carried away with themselves. The United States attempts to make no promises that it doesn't keep and to make no threats it doesn't intend to execute.

*Q. Mr. Secretary, along those lines, the major foreign policy issues in this campaign appear to have been the President's mistake on Eastern Europe and Jimmy Carter's reluctance to send troops to Yugoslavia. In view of the fact that there are some very important foreign policy questions—I think you have SALT [Strategic Arms Limitation Talks], what to do next in the Middle East, what to do next in China—questions which will face any new Administration, what is your feeling about the quality of the foreign policy debate in this campaign?*

*Secretary Kissinger:* Of course, since I believe we have been correct in the foreign policy we've carried out, I'm assuming that the absence of more fundamental criticisms would tend to support this.

As I pointed out before, I really do not think that foreign policy should lend itself to a detailed partisan debate. And therefore I think it is in the interest of the United States that at least major tactical questions not become the subject of foreign policy disputes.

*Q. Dr. Kissinger, I'd just like to followup and mention the SALT talks. In view of the fact in the last 10 years the U.S.S.R. has spent \$10 billion on civil defense and military armaments, isn't it a waste of time—the SALT talks, that is?*

*Secretary Kissinger:* The SALT talks on the limitation of strategic armaments derive from the fact that both sides are developing nuclear weapons of enormous

destructiveness and that both sides, the Soviet Union and the United States, for the first time in history face a situation in which two countries could destroy all of humanity. That is an unprecedented situation that leaders of no country in the world have ever had to face before.

What we're attempting to do in these talks is to put a ceiling on the strategic armaments of both sides, whatever they may have spent in the past, to put a ceiling on these strategic armaments and then to use that ceiling as a point of departure from which to make reductions in these strategic armaments. We have a preliminary agreement to establish a ceiling that will be equal for both sides, and we are now negotiating what categories of weapons fall under each ceiling. This is what has held up the conclusion of the negotiations. I would think that the negotiations are about 85-90 percent concluded, that there are two issues that still remain to be settled. But whatever one thinks of what either country may have done in the field of armaments, it is in the interest of humanity that a ceiling be put on these weapons and that then they be reduced.

*Q. I had in mind to sort of ask you a two-part question, if I could.*

*Speaking of Lebanon as you were, first I'd like to ask you whether you have any information that Israel is actively involved in supplying arms or manpower to help the Christians in Lebanon.*

*And secondly, I would like you to comment on the provision of the peace agreement that authorizes the Palestinians to go back to their old positions across the border from Israel and do what they can—I can't quote directly—but do what they can to make trouble for Israel.*

*Secretary Kissinger:* With respect to the first question, we have no authenticated information that any provision of the American law which prohibits the transfer of American defense equipment has been violated.

With respect to the second question, the

United States has always opposed terrorism as an instrument of national policy. Whether in fact the Palestinians will go back to exactly all the camps they had occupied before, or whether that will no longer be technically feasible for a variety of reasons that have happened in recent weeks, only the future can tell. But the United States has never supported the concept of terrorist warfare by any country or by any group.

*Moderator [Rolf Bibow, vice president, International Division, United Technologies Corp.]: I think in closing I should make it very clear to everybody that Secretary Kissinger is here as a guest of the Executive Forum and it is at our request that he addressed this group. We wouldn't want our friends in the press to have missed this opportunity. So that is the specific purpose for his being here.*

*Thank you very much, Mr. Kissinger.*

## **U.N. Emergency Force in the Sinai Extended for One Year**

*Following is a statement made in the U.N. Security Council by U.S. Representative Albert W. Sherer, Jr., on October 22.*

USUN press release 123 dated October 22

This Council has acted today to continue for a period of one year the essential peace-keeping services of the United Nations Emergency Force (UNEF) in the Sinai.<sup>1</sup> The Emergency Force has played an indispensable role in helping to maintain the cease-fire called for by this Council in Resolution 338 and reaffirmed in the agreement between Egypt and Israel of September 4, 1975.

Maintenance of the cease-fire, however, was only one element of the carefully balanced formulation contained in Resolution 338. In renewing UNEF for an additional

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<sup>1</sup> The Council on Oct. 22 adopted Resolution 396 (1976) by a vote of 13 to 0 (the People's Republic of China and Libya did not participate in the voting).

year, we must remind ourselves in the most urgent terms that negotiation of a just and durable peace was the ultimate purpose of that resolution.

In welcoming this renewal, the United States wishes to reiterate its commitment to a determined effort to achieve an overall settlement in the Middle East acceptable to all the parties. In this regard, I would recall that Secretary of State Kissinger said on September 30, in speaking to the General Assembly:

The United States will do all it can to assure that by the time this Assembly meets next year it will be possible to report significant progress toward a just and lasting peace in the Middle East.

That pledge is equally appropriate in the context of this Council's deliberations today.

The performance of the UNEF Command in responding to its expanded responsibilities during the past year has been exemplary in every respect. The territorial scope of its activities substantially widened as a result of the agreement of September 4, 1975. In addition, as the Secretary General noted in his report,<sup>2</sup> UNEF has to an increased extent been called upon to exercise its good offices to resolve problems in the implementation of that agreement which might otherwise have posed difficulties. We were fortunate that during this critical period the United Nations peacekeeping forces in the Middle East were ably led by Lt. Gen. Ensio Siilasvuo. Our appreciation goes also to Lt. Gen. Liljestrand for his efforts as Commander of UNEF for the last 14 months.

The Secretary General has noted in his report that UNEF has enjoyed the full cooperation of the parties concerned in discharging its complex and vital responsibilities. We would like to pay tribute here to the constructive spirit in which both sides have approached their responsibilities in fulfillment of the cease-fire and subsequent agreements.

<sup>2</sup> U.N. doc. S/12212.

We are particularly gratified to observe that the Secretary General has been able through judicious management to reduce the UNEF budget for the coming year without sacrificing its operational effectiveness in any way. I heartily congratulate him and his staff for this achievement.

## **Foreign Sovereign Immunities Act To Take Effect January 19, 1977**

*Following are texts of a statement by President Ford issued on October 22 and a letter dated November 2 from Department of State Legal Adviser Monroe Leigh to Attorney General Edward H. Levi.*

### **STATEMENT BY PRESIDENT FORD**

White House press release dated October 22

It is with great satisfaction that I announce that I have signed H.R. 11315, the Foreign Sovereign Immunities Act of 1976.<sup>1</sup> This legislation, proposed by my Administration, continues the longstanding commitment of the United States to seek a stable international order under the law.

It has often been said that the development of an international legal order occurs only through small but carefully considered steps. The Foreign Sovereign Immunities Act of 1976, which I sign today [Oct. 21], is such a step.

This legislation will enable American citizens and foreign governments alike to ascertain when a foreign state can be sued in our courts. In this modern world where private citizens increasingly come into contact with foreign government activities, it is important to know when the courts are available to redress legal grievances.

This statute will also make it easier for our citizens and foreign governments to turn to the courts to resolve ordinary legal

<sup>1</sup> Public Law 94-583, approved Oct. 21.

disputes. In this respect, the Foreign Sovereign Immunities Act carries forward a modern and enlightened trend in international law. And it makes this development in the law available to all American citizens.

**TEXT OF LETTER TO THE ATTORNEY GENERAL  
FROM DEPARTMENT OF STATE LEGAL ADVISER**

NOVEMBER 2, 1976.

Honorable EDWARD H. LEVI  
*Attorney General*  
*Department of Justice*  
*Washington, D.C., 20530*

Re: The Foreign Sovereign Immunities Act  
of 1976, P.L. 94-583

DEAR MR. ATTORNEY GENERAL: Since the Tate Letter of 1952, 26 Dept. State Bull. 984, my predecessors and I have endeavored to keep your Department apprised of Department of State policy and practice with respect to the sovereign immunity of foreign states from the jurisdiction of United States courts. On October 21, 1976, the President signed into law the Foreign Sovereign Immunities Act of 1976, P.L. 94-583. This legislation, which was drafted by both of our Departments, has as one of its objectives the elimination of the State Department's current responsibility in making sovereign immunity determinations. In accordance with the practice in most other countries, the statute places the responsibility for deciding sovereign immunity issues exclusively with the courts.

P.L. 94-583 is to go into effect 90 days from the date it was approved by the President, or on January 19, 1977. We wish to advise you of how the Department of State proposes to treat sovereign immunity requests prior to January 19, 1977, and what the Department of State's interests will be after that date.

*Immunity from suit.* Until January 19, 1977, the Department of State will apply the Tate Letter, in the event that it makes any determination with respect to a foreign government's immunity from suit. It should be noted that P.L. 94-583 embodies in many respects the practice under the Tate Letter.

*Immunity from attachment.* Until January 19, 1977, the Department will continue to give prompt attention to diplomatic requests from foreign states, for recognition of immunity of foreign government property from attachment. The Department of State's policy until now has been to recognize an immunity of all foreign government property from attachment—unless (1) the property in question is devoted to a commercial or private use; (2) the

underlying lawsuit is based on a commercial or private activity of the foreign state; and (3) the purpose of the attachment is to commence a lawsuit and not to assure satisfaction of a final judgment.

The Department does not contemplate changing this policy before P.L. 94-583 takes effect. We have noted that until P.L. 94-583 takes effect, it may be difficult for a private litigant to commence a suit against a foreign state or its entities. Also, since P.L. 94-583 will not have any effect whatsoever on the running of the statute of limitations, a continuation of existing policy on attachment until January 19, 1977 might be the only way a claim for relief could be preserved.

P.L. 94-583 will make two important and related changes in the Department's sovereign immunity practice with respect to attachment. First, the statute will prescribe a means for commencing a suit against a foreign state and its entities by service of a summons and complaint, thus making jurisdictional attachments of foreign government property unnecessary.

Second, Section 1609 of the statute will provide an absolute immunity of foreign government property from jurisdictional attachment. Such jurisdictional attachments have given rise to diplomatic irritants in the past and, in recent years, have been the principal impetus for a Department of State role in sovereign immunity determinations. It appears that after January 19, 1977, any jurisdictional attachment of foreign government property could, under Section 1609 of P.L. 94-583, be promptly vacated upon motion to the appropriate court by the foreign state defendant.

*Immunity from execution.* The Department of State has in the past recognized an absolute immunity of foreign government property from execution to satisfy a final judgment. The Department does not contemplate changing this policy in the period before January 19, 1977. On or after that date, execution may be obtained against foreign government property only upon court order and in conformity with the other requirements of Section 1610 of P.L. 94-583.

*Future Department of State interests.* The Department of State will not make any sovereign immunity determinations after the effective date of P.L. 94-583. Indeed, it would be inconsistent with the legislative intent of that Act for the Executive Branch to file any suggestion of immunity on or after January 19, 1977.

After P.L. 94-583 takes effect, the Executive Branch will, of course, play the same role in sovereign immunity cases that it does in other types of litigation—e.g., appearing as *amicus curiae* in cases of significant interest to the Government. Judicial construction of the new statute will be of general interest to the Department of State, since the statute, like the Tate Letter, endeavors to incorpo-

rate international law on sovereign immunity into domestic United States law and practice. If a court should misconstrue the new statute, the United States may well have an interest in making its views on the legal issues known to an appellate court.

Finally, we wish to express appreciation for the continuous advice and support which your Department has provided during the ten years of work and consultation that led to the enactment of P.L. 94-583. We believe that the new statute will be a significant step in the growth of international order under law, to which the United States has always been committed.

Sincerely,

MONROE LEIGH.

## Congressional Documents Relating to Foreign Policy

### 94th Congress, 2d Session

United States-Soviet Union-China: The Great Power Triangle. Hearings before the Subcommittee on Future Foreign Policy Research and Development of the House Committee on International Relations. Part II. March 23-June 23, 1976. 194 pp.

International Monetary Fund Amendments. Hearings before the Senate Committee on Foreign Relations; June 22-August 3, 1976; 142 pp. Report of the committee to accompany H.R. 13955; August 10, 1976; 21 pp.

Communications from the Assistant Secretary of the Treasury (Enforcement, Operations, and Tariff Affairs) transmitting determinations waiving the imposition of countervailing duties on imports for a temporary period not to extend beyond January 3, 1979. Waiver of Countervailing Duties on Norwegian Cheese; H. Doc. 94-553; 7 pp; July 19, 1976. Waiver of Countervailing Duties on Finnish Cheese; H. Doc. 94-554; 6 pp; July 19, 1976. Waiver of Countervailing Duties on Swedish Cheese; H. Doc. 94-555; 9 pp; July 19, 1976. Waiver of Countervailing Duties on Brazilian Leather Handbags; H. Doc. 94-560; 9 pp; July 20, 1976.

The Assassination of American Diplomats in Beirut, Lebanon. Hearing before the Special Subcommittee on Investigations of the House Committee on International Relations. July 27, 1976. 43 pp.

Mercenaries in Africa. Hearing before the Special Subcommittee on Investigations of the House Committee on International Relations. August 9, 1976. 75 pp.

International Coffee Agreement, 1976. Report of the Senate Committee on Foreign Relations to accompany Ex. H., 94-2. S. Ex. Rept. 94-30. August 20, 1976. 7 pp.

National Emergencies Act. Report of the Senate Committee on Government Operations to accompany H.R. 3884. S. Rept. 94-1168. August 26, 1976. 42 pp.

Duty Free Importation of Loose Glass Prisms Used in Chandeliers and Wall Brackets. Report of the Senate Committee on Finance to accompany H.R. 8656. S. Rept. 94-1173. August 26, 1976. 2 pp.

Suspension of Duties on Certain Elbow Prostheses if Imported for Charitable Therapeutic Use, or for Free Distribution, by Certain Public or Private Nonprofit Institutions. Report of the Senate Committee on Finance to accompany H.R. 11321. S. Rept. 94-1174. August 26, 1976. 3 pp.

Suspending the Duties on Certain Bicycle Parts and Accessories Until the Close of June 30, 1978. Report of the Senate Committee on Finance to accompany H.R. 12254. S. Rept. 94-1175. August 26, 1976. 4 pp.

Energy Conservation and Production Revenue Act of 1976. Report of the Senate Committee on Finance to accompany H.R. 6860. S. Rept. 94-1181. August 27, 1976. 48 pp.

## TREATY INFORMATION

### Current Actions

#### MULTILATERAL

##### Conservation

Agreement on the conservation of polar bears. Done at Oslo November 15, 1973. Entered into force May 26, 1976.

*Ratification deposited:* United States, November 1, 1976.

*Entered into force for the United States:* November 1, 1976.

##### Law of the Sea

Convention on the high seas. Done at Geneva April 29, 1958. Entered into force September 30, 1962. TIAS 5200.

*Accession deposited:* Mongolia, October 15, 1976.

##### Load Lines

International convention on load lines, 1966. Done at London April 5, 1966. Entered into force July 21, 1968. TIAS 6331, 6629, 6720.

*Accessions deposited:* Algeria, October 4, 1976; Seychelles, October 1, 1976.

##### Maritime Matters

Amendments to the convention of March 6, 1948, as amended, on the Intergovernmental Maritime Con-



sultative Organization (TIAS 4044, 6285, 6490).  
Adopted at London October 17, 1974.<sup>1</sup>  
*Acceptance deposited:* Finland, October 19, 1976.

### Oil Pollution

Amendments to the international convention for the prevention of pollution of the sea by oil, 1954, as amended (TIAS 4900, 6109). Adopted at London October 12, 1971.<sup>1</sup>

*Acceptance deposited:* Algeria, October 4, 1976.

Amendments to the international convention for the prevention of pollution of the sea by oil, 1954, as amended (TIAS 4900, 6109). Adopted at London October 15, 1971.<sup>1</sup>

*Acceptance deposited:* Algeria, October 4, 1976.

### Postal

Constitution of the Universal Postal Union with final protocol signed at Vienna July 10, 1964 (TIAS 5881), as amended by additional protocol, general regulations with final protocol and annex, and the universal postal convention with final protocol and detailed regulations. Signed at Tokyo November 14, 1969. Entered into force July 1, 1971, except for article V of the additional protocol, which entered into force January 1, 1971. TIAS 7150.

*Accession deposited:* Cape Verde, August 27, 1976.

Second additional protocol to the constitution of the Universal Postal Union of July 10, 1964 (TIAS 5881, 7150), general regulations with final protocol and annex, and the universal postal convention with final protocol and detailed regulations. Done at Lausanne July 5, 1974. Entered into force January 1, 1976. TIAS 8231.

*Ratifications deposited:* Guinea, August 30, 1976; Jamaica, August 17, 1976.

*Accession deposited:* Cape Verde, August 27, 1976.

Money orders and postal travellers' checks agreement, with detailed regulations. Done at Lausanne July 5, 1974. Entered into force January 1, 1976. TIAS 8232.

*Ratification deposited:* Guinea, August 30, 1976.

*Accession deposited:* Cape Verde, August 27, 1976.

### Property—Intellectual

Convention establishing the World Intellectual Property Organization. Done at Stockholm July 14, 1967. Entered into force April 26, 1970; for the United States August 25, 1970. TIAS 6932.

*Accession deposited:* Bahamas, October 4, 1976.

### Safety at Sea

International convention for the safety of life at sea. Done at London June 17, 1960. Entered into force May 26, 1965. TIAS 5780, 6284.

*Acceptance deposited:* Seychelles, October 1, 1976.

Convention on the international regulations for preventing collisions at sea, 1972. Done at London October 20, 1972. Enters into force July 15, 1977.

*Accession deposited:* Algeria, October 4, 1976.

### Seals

1976 protocol amending the interim convention on conservation of North Pacific fur seals (TIAS

3948). Done at Washington May 7, 1976. Entered into force October 12, 1976.

*Proclaimed by the President:* October 25, 1976.

### Tin

Fifth international tin agreement, with annexes. Done at Geneva June 21, 1975. Entered into force provisionally July 1, 1976.

*Ratification deposited:* United States, October 28, 1976.

### Tonnage Measurement

International convention on tonnage measurement of ships, 1969, with annexes. Done at London June 23, 1969.<sup>1</sup>

*Accession deposited:* Algeria, October 4, 1976.

## BILATERAL

### Bangladesh

Loan agreement relating to small-scale irrigation, with annex and related letter. Signed at Dacca September 29, 1976. Entered into force September 29, 1976.

### Bolivia

Agreement relating to the transfer of commodities to Bolivia for use in a community development and training program. Signed at Washington September 22 and October 18, 1976. Entered into force October 18, 1976.

### Dominican Republic

Loan agreement relating to the agricultural sector, with annex. Signed at Santo Domingo September 30, 1976. Entered into force September 30, 1976.

### Egypt

Agreement amending the agreement for sales of agricultural commodities of October 28, 1975 (TIAS 8201). Effected by exchange of notes at Cairo September 28 and 29, 1976. Entered into force September 29, 1976.

### Haiti

Project agreement relating to integrated agricultural development. Signed at Port-au-Prince September 28 and 30, 1976. Entered into force September 30, 1976.

### Korea

Guaranty agreement relating to a housing loan. Signed at Washington July 1, 1976. Entered into force July 1, 1976.

Guaranty agreement relating to a housing loan. Signed at Washington July 26, 1976. Entered into force July 26, 1976.

### Mexico

Agreement extending the agreement of July 31, 1970, as amended and extended, for a cooperative mete-

<sup>1</sup> Not in force.

orological observation program in Mexico. Effected by exchange of notes at México and Tlatelolco June 15 and July 12, 1976. Entered into force September 28, 1976.

### United Nations

Agreement relating to the transfer of certain foreign excess property of the Sinai Support Mission to the United Nations Emergency Force, with annexes. Effected by exchange of letters August 26 and September 30, 1976. Entered into force September 30, 1976; effective July 1, 1976.

### World Intellectual Property Organization

Agreement relating to a procedure for United States income tax reimbursement. Effected by exchange of letters at Geneva September 7 and 15, 1976. Entered into force September 15, 1976; operative January 1, 1976.

## PUBLICATIONS

### 1949 "Foreign Relations" Volume on National Security, Economic Policy

Press release 532 dated October 27 (for release November 5)

The Department of State released on November 5 "Foreign Relations of the United States, 1949," volume I, "National Security Affairs, Foreign Economic Policy." The "Foreign Relations" series has been published continuously since 1861 as the official record of American foreign policy.

This volume presents 836 pages of previously unpublished documentation (much of it newly declassified) on the regulation of armaments, national security policy, the General Agreement on Tariffs and Trade, foreign financial policies of the United States, and tentative planning for the internationalization of the Antarctic. Extensive coverage is given on the views held and the actions taken by the President, the Secretary of State, other high officials, and the National Security Council regarding international threats to the security of the United States. The volume also presents documentation on reaction to the first test of a nuclear device in the Soviet Union in September 1949, the decision by the United States to develop the hydrogen bomb, and the continued inability of the United Nations Atomic Energy Commission to agree upon a plan for international control of atomic energy.

"Foreign Relations," 1949, volume I, was prepared in the Office of the Historian, Bureau of Public Affairs, Department of State. Four volumes for 1949 and the first half of a fifth have already been published, and 3½ are in preparation. Copies of volume I (Department of State publication 8850; GPO cat. no. S1.1: 949/v. I) may be obtained for \$11.00 (domestic postpaid). Checks or money orders should be made out to the Superintendent of Documents and sent to the U.S. Government Book Store, Department of State, Washington, D.C. 20520.

### GPO Sales Publications

*Publications may be ordered by catalog or stock number from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. A 25-percent discount is made on orders for 100 or more copies of any one publication mailed to the same address. Remittances, payable to the Superintendent of Documents, must accompany orders. Prices shown below, which include domestic postage, are subject to change.*

**The United States-Japan Cooperative Medical Science Program.** Report describes research progress made under the U.S.-Japan Cooperative Medical Science Program during its second 5 years of scientific studies. The Program focuses on diseases of importance in Asia and applies modern scientific approaches from fields such as cell biology, immunology, and genetics. Pub. 8864. East Asian and Pacific Series 215. 180 pp. \$2.60. (Cat. No. S1.38:8864).

**Maritime Transport.** Agreement with the Socialist Republic of Romania. TIAS 8254. 22 pp. 35¢. (Cat. No. S9.10:8254).

**Trade in Cotton, Wool and Man-Made Fiber Textiles.** Agreement with the Republic of Korea amending the agreement of June 26, 1975. TIAS 8267. 5 pp. 35¢. (Cat. No. S9.10:8267).

**Trade in Textiles—Consultations on Market Disruption.** Agreement with Greece. TIAS 8273. 5 pp. 35¢. (Cat. No. S9.10:8273).

**Trade in Cotton Textiles.** Agreement with India modifying the agreement of August 6, 1974. TIAS 8275. 5 pp. 35¢. (Cat. No. S9.10:8275).

**Limitation of Anti-Ballistic Missile Systems.** Protocol to the treaty of May 26, 1972, with the Union of Soviet Socialist Republics. TIAS 8276. 10 pp. 35¢. (Cat. No. S9.10:8276).

**International Coffee Agreement.** Protocol with Other Governments for the continuation in force of the agreement of March 18, 1968, as amended and extended. TIAS 8277. 30 pp. 45¢. (Cat. No. S9.10:8277).

Arms Control and Disarmament. Nuclear Policy (statement by President Ford) . . . . . 629

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**Checklist of Department of State Press Releases: November 1-7**

Press releases may be obtained from the Office of Press Relations, Department of State, Washington, D.C. 20520.

No.	Date	Subject
*540	11/3	Shipping Coordinating Committee (SCC), Subcommittee on Maritime Law, Dec. 16.
*541	11/3	Study Group 7, U.S. National Committee for the International Radio Consultative Committee (CCIR), Greenbelt, Md., Nov. 29.
*542	11/3	Study Groups 3 and 4, U.S. National Committee for the International Telegraph and Telephone Consultative Committee, Nov. 30.
†543	11/4	Maritime boundaries between the U.S. and Canada.
*544	11/4	SCC, Subcommittee on Safety of Life at Sea, working group on safety of fishing vessels, Dec. 3.
*545	11/4	Study Group 9, U.S. National Committee for the CCIR, Dec. 9.
*546	11/4	U.S. National Committee for the CCIR, Dec. 16.
*547	11/5	Agreement reached on draft text of U.S.-Mexico treaty on transfer of sanctions.

\* Not printed.

† Held for a later issue of the BULLETIN.