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### ARTICLES

#### The Export Administration Act of 1979:

Analysis of its Major Provisions  
and Potential Impact on United  
States Exporters

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This Article examines the major provisions of the 1979 Export Administration Act with respect to its impact on United States exporters. The Act is assessed primarily from the perspective of administrative law with emphasis on its function in the area of foreign affairs. It is placed within the historical and constitutional contexts of export control legislation and its most significant innovations are presented. These include recognition of the need to encourage foreign trade, adoption of a new license category (the qualified general license) and solicitation of private sector views on various questions. Despite these and other changes, it is unlikely that the 1979 Act will significantly alleviate licensing delays, eliminate unnecessary repetition of agency tasks or reduce overly-broad Executive discretion by imposing stricter guidelines on decision-making.

#### The Australian Constitution: The External Affairs Power and Federalism

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The Australian Constitution delegates to Parliament thirty-nine separate heads of power under which to legislate for the peace, order and good government of the Commonwealth. Of these, the external affairs power is by far the most expansive. In the last ten years, the opinions of the High Court, developments in Australian politics and the increasing interdependence of nations have contributed to the growing use of the external affairs power by the Commonwealth to encroach on areas previously left to the States. This Article examines the decisions of the Australian High Court interpreting the external affairs power and the expanding scope of what the Court considers an external affair for purposes of effectuating domestic legislation. The author contrasts two distinct judicial approaches to the problem of growing Commonwealth control over matters formerly left to the States. The role of the United Nations Charter in this scheme of legislation and the limitations on the External affairs power are also analyzed. The author concludes that the increased use of the external affairs power by the Commonwealth is moving Australia towards a more centralized form of government.

**The German Marital Property System:  
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This Article presents an overview of Germany's new property system in the light of certain conflict of laws problems that arise in a dual-nationality marriage. Specifically, it deals with a marriage between a German national and a United States national who are domiciled in either Germany or a community property state of the United States. The author concludes that despite developmental problems, the new German property system has successfully adapted traditional forms of marital property regulation to modern conceptions of sexual equality and sharing in marriage. The author further concludes that it remains now for Germany to enact complementary, and with hope, equally successful changes in its conflict of laws norms to reflect both the equality of the sexes and the increasing mobility of the modern population.

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