

The steel industry has not, however, made a formal application to the OEP for a finding, under Section 232 of the Trade Expansion Act, that steel imports threaten to impair the national security. There have been several reasons for this:

1. The OEP is not an independent, fact-finding agency but is an arm of the President's Executive Office. It has appeared to the steel industry that, absent a prior decision to act by the Administration as a whole, an application to OEP is unlikely to be successful. This view is reinforced by the fact that the only findings by the OEP of national security impairment have related to petroleum and, in those cases, the initiative came not from applications filed by the industry but from the President himself.

2. The powers of the OEP are limited under Section 232 to a finding that national security is endangered and a recommendation that the President take appropriate action. The President makes the final determination and decides what, if any, measures are necessary to alleviate the threat to national security.

3. Cases dealt with by the OEP indicate that its investigative procedures are time-consuming. The steel industry believes that the import problem requires prompt action and that this could not be expected from OEP.

Rather than apply to the OEP for relief, the industry has chosen to appeal to the Executive and Legislative Branches as such. Representatives of the industry have engaged in numerous presentations of the steel import problem not only to the Congress, but also to officials in the Commerce, State and Treasury Departments, the Council of Economic Advisers and the Office of the Special Trade Representative.

Mr. CURTIS. But OEP does provide for the quota approach, and it is tied to a procedure that is established. OEP uses the very argument you were using here, where it establishes the fact that our industry is being affected deleteriously, which would impair our national defense.

That is why I would like you to comment on not just what you have done through OEP, but if you feel whether the Congress wrote the OEP laws adequately. Maybe there is something we need to do further. I am worried about this business of writing new laws without first examining carefully whether administration of the present laws might not solve the problem.

Some of it could be maladministration. Some of it could be that the laws themselves are inadequate and therefore that other laws are needed.

Now, your proposed legislation on quotas, would not be tied to national security guidelines, would it?

Mr. PATTON. Not at all, no.

Mr. CURTIS. Not at all?

Mr. PATTON. It would not be tied to national security as such. It would be a straight out quota bill, but it would have an impact on having steel available when national security requires it.

Mr. CURTIS. There is no question then that this would render unnecessary, I guess, any proceeding through OEP.

Mr. PATTON. Yes. I must speak perfectly frank, Mr. Curtis, in saying that our experience in seeking relief through administrative agencies or existing avenues has been very, very dismal. We haven't been successful at all, and we don't see that we will be in the future.

We must get relief from Congress.

Mr. CURTIS. Let me warn you that Congress is not the executive branch of the Government. All Congress can do is legislate. Whatever we legislate is going to have to be carried out by the executive branch of the Government.