

has in the past been willing to insure that American products would be secure from discrimination. The intention of this nation to protect its exports has been further evidenced in these statutes:

1. (a) The President when he finds that the public interest will be served shall by proclamation specify and declare new or additional duties as hereinafter provided upon articles wholly or in part the growth or product of, or imported in a vessel of, any foreign country whenever he shall find as a fact that such country—

(2) Discriminates in fact against the commerce of the United States, directly or indirectly by law or administrative regulation, or practice, by or in respect to any customs, tonnage, or port duty, fee, charge, exaction, classification, regulation, condition, restriction, or prohibition, in such manner as to place the commerce of the United States at a disadvantage compared with the commerce of any foreign country. (19 U.S.C. 1338—Tariff Act of 1930)

2. (a) Whenever unjustifiable foreign import restrictions impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis, the President shall—

(3) notwithstanding any provision of any trade agreement under this chapter and to the extent he deems necessary and appropriate, impose duties or other import restrictions on the products of any foreign country or instrumentality establishing or maintaining such foreign import restrictions against United States agricultural products, when he deems such duties and other import restrictions necessary and appropriate to prevent the establishment or obtain the removal of such foreign import restrictions and to provide access for United States agricultural products to the markets of such country or instrumentality on an equitable basis. (19 U. S. C. 1882—Trade Expansion Act of 1962)

These laws prove, we believe, the intent of the Congress, and the nation it represents, to take those steps necessary to insure the viability of the American trade program while making every reasonable accommodation to our partners in international trade. That is precisely the purpose of our proposal concerning nontariff trade barriers.

PROPOSAL CONCERNING TREATMENT ON NONTARIFF BARRIERS TO TRADE AS DISCRIMINATION AGAINST THE COMMERCE OF THE UNITED STATES IN FUTURE NEGOTIATIONS ON RECIPROCAL AGREEMENTS

As we have indicated above, the nation should take the opportunity to reiterate its intention to maintain a strong trade program through the passage of a Trade Expansion Act this year. This intent can best be expressed by the presence of a provision in the law which will allow those charged with the management of our trade program to respond to the presence of nontariff barriers to trade. We believe that in all future negotiations and in the implementation of programs arising out of such negotiations, the United States should take affirmative steps to see that foreign import restrictions which prevent the expansion of trade are neutralized by a like imposition of restrictions until the channels of trade can be opened once again.

As to the particular language which might be used to achieve the desired ends, we suggest that consideration be given to the amendment of Section 1882 of Title 19 of the United States Code. (Section 252 of the Trade Expansion Act of 1962). That section quoted in part above provides, among other things, that the President shall have the authority to impose various types of restrictions in response to foreign import restrictions. For reasons which are not clear to us, the section specifies in (a) (3) only agricultural products. An examination of the Committee reports on the 1962 Act which includes this section does not explain why the limitation as to the type of products involved exists. In any event, we submit that amendment of that section, 1882(a) (3) in such a way as to include manufactured products as well as agricultural products, might achieve the desired end. This could be done by striking the word "agricultural" where it appears in the section, or by adding the words "manufactured and" before "agricultural products" in each instance. We note that the action taken under this part of section 1882 appears nowhere else within the section and then only with reference to agricultural products.

We are not unaware of the fact that opponents of such a suggestion might well allege the difficulties of administration of such a proposal. In rebuttal, we might point out that H.R. 17551 contemplates delegation of Presidential duties