

[5/3/80-Not Submitted-DF]

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THE WHITE HOUSE
WASHINGTON

Pat -

Do you know anything
about Bert.

Bert

THE WHITE HOUSE
WASHINGTON

Stu E. has
instructed Sr.
Lazarus to call
Askeu on this
tomorrow -
5/3

ID 802491

THE WHITE HOUSE
WASHINGTON

*HOLD
Per
Askew*

DATE: 01 MAY 80

FOR ACTION: LLOYD CUTLER
JIM MCINTYRE

STU ELZENSTAT

*Askew wants
permanently
held*

INFO ONLY: THE VICE PRESIDENT
DR. BRZEZINSKI

AL MCDONALD
CHAS. SCHULTZE

SUBJECT: MEMO FROM REUBIN ASKEW RE: ETC PROPOSED RULE ON STANDARDS
AND CERTIFICATION

+++++
+ RESPONSE DUE TO RICK HITCHESON STAFF SECRETARY (456-7052) +
+ BY: 1200 PM SATURDAY 03 MAY 80 +
+++++

ACTION REQUESTED:

STAFF RESPONSE: () I CONCUR. () NO COMMENT. () HOLD.

PLEASE NOTE OTHER COMMENTS BELOW:

DF

<input checked="" type="checkbox"/>	FOR STAFFING
<input type="checkbox"/>	FOR INFORMATION
<input checked="" type="checkbox"/>	FROM PRESIDENT'S OUTBOX
<input type="checkbox"/>	LOG IN/TO PRESIDENT TODAY
<input type="checkbox"/>	IMMEDIATE TURNAROUND
<input type="checkbox"/>	NO DEADLINE
<input type="checkbox"/>	FOR APPROPRIATE HANDLING
<input type="checkbox"/>	LAST DAY FOR ACTION

<input type="checkbox"/>	ADMIN CONFID
<input type="checkbox"/>	CONFIDENTIAL
<input type="checkbox"/>	SECRET
<input type="checkbox"/>	EYES ONLY

ACTION
FYI

<input checked="" type="checkbox"/>	VICE PRESIDENT
<input type="checkbox"/>	JORDAN
<input checked="" type="checkbox"/>	CUTLER
<input type="checkbox"/>	DONOVAN
<input checked="" type="checkbox"/>	EIZENSTAT
<input checked="" type="checkbox"/>	MCDONALD
<input type="checkbox"/>	MOORE
<input type="checkbox"/>	POWELL
<input type="checkbox"/>	WATSON
<input type="checkbox"/>	WEDDINGTON
<input type="checkbox"/>	WEXLER
<input checked="" type="checkbox"/>	BRZEZINSKI
<input checked="" type="checkbox"/>	MCINTYRE
<input checked="" type="checkbox"/>	SCHULTZE
<input type="checkbox"/>	
<input type="checkbox"/>	ANDRUS
<input type="checkbox"/>	ASKEW
<input type="checkbox"/>	BERGLAND
<input type="checkbox"/>	BROWN
<input type="checkbox"/>	CIVILETTI
<input type="checkbox"/>	DUNCAN
<input type="checkbox"/>	GOLDSCHMIDT
<input type="checkbox"/>	HARRIS
<input type="checkbox"/>	KREPS
<input type="checkbox"/>	LANDRIEU
<input type="checkbox"/>	MARSHALL

<input type="checkbox"/>	MILLER
<input type="checkbox"/>	VANCE
<input type="checkbox"/>	
<input type="checkbox"/>	BUTLER
<input type="checkbox"/>	CAMPBELL
<input type="checkbox"/>	H. CARTER
<input type="checkbox"/>	CLOUGH
<input type="checkbox"/>	CRUIKSHANK
<input type="checkbox"/>	FIRST LADY
<input type="checkbox"/>	FRANCIS
<input type="checkbox"/>	HARDEN
<input type="checkbox"/>	HERTZBERG
<input type="checkbox"/>	HUTCHESON
<input type="checkbox"/>	KAHN
<input type="checkbox"/>	LINDER
<input type="checkbox"/>	MARTIN
<input type="checkbox"/>	MILLER
<input type="checkbox"/>	MOE
<input type="checkbox"/>	PETERSON
<input type="checkbox"/>	PRESS
<input type="checkbox"/>	SANDERS
<input type="checkbox"/>	SPETH
<input type="checkbox"/>	STRAUSS
<input type="checkbox"/>	TORRES
<input type="checkbox"/>	VOORDE
<input type="checkbox"/>	WISE

2481

THE UNITED STATES TRADE REPRESENTATIVE
WASHINGTON
20506

MEMORANDUM FOR THE PRESIDENT

APRIL 30, 1980

FROM: REUBIN O'D ASKEW *RA*

SUBJECT: FTC PROPOSED RULE ON STANDARDS AND CERTIFICATION

The Federal Trade Commission is considering promulgating a rule that would establish procedures to be followed by private parties in developing and using standards and certifications. Since these procedures are at variance with those used by many private international standards organizations, they would interfere with the uniform development of international standards. As you know, during the Multilateral Trade Negotiations, our goal was to increase U.S. access to foreign standards making and certification. The standards code that we successfully negotiated was very difficult to implement.

The Trade Agreements Act of 1979 provided a forum in which foreign governments might challenge U.S. standards activities. That forum is the Trade Policy Committee. Under the FTC proposed rule, no distinction would be made between signatories to the Standards Code, or those who have granted the United States substantially the same concessions, and other countries towards which we have no obligations. Such a provision would undermine this agency's attempts to persuade other countries to become signatories to the Standards Code.

Finally, the proposed rule would provide a forum for U.S. parties to challenge international standards in a manner other than that provided under Title IV of the Trade Agreements Act of 1979. Such a rule circumvents the intent of Congress in passing Title IV and would discourage private parties from participating in international standards and certification activities.

In view of this, I recommend that you send a letter to Chairman Pertschuk recommending that no such rule should be promulgated.

Attachment

D R A F T L E T T E R

The Honorable Michael Pertschuk
Chairman
Federal Trade Commission
Penna. Avenue at 6th Street, NW
Washington, D.C. 20580

Dear Chairman Pertschuk:

The rule proposed on December 7, 1978 concerning standards and certification would appear to establish procedures to be followed by private parties in developing and using standards and certification. The proposed rule would also establish a forum through which foreign governments and interests might challenge U.S. standards or international standards.

Such a rule would be inconsistent with the trade policy of the United States. During the Multilateral Trade Negotiations, the United States negotiated the Agreement on Technical Barriers to Trade, known as the Standards Code. The Trade Agreements Act of 1979 provides a forum in which foreign governments might challenge U.S. standards activities. That forum is the Trade Policy Committee. Under the FTC proposed rule, no distinction would be made between signatories to the Standards Code, or those who have granted the United States substantially the same concessions, and other countries towards which we have no obligations. Such a provision would undermine this agency's attempts to persuade other countries to become signatories to the Standards Code.

Finally, the proposed rule would provide a forum for U.S. parties to challenge international standards in a manner other than that provided under Title IV of the Trade Agreements Act of 1979. Such a rule circumvents the intent of Congress in passing Title IV and would discourage private parties from participating in international standards and certification activities.