

解读美国五大贸易法案的 制定和实施

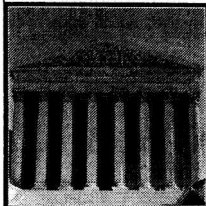
Understanding the Formulation and Application of
Five U.S. Trade Acts

李莉文 著

外语教学与研究出版社

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内容摘要

通过对美国五大贸易法案——《1934年互惠贸易协定法》、《1962年扩大贸易法》、《1974年贸易法》、《1988年综合贸易与竞争法》、《2002年贸易法》——的集中分析，本书旨在解读美国贸易法的制定和实施。

本书对美国自1934年以来出台的贸易法进行了综合研究，既探讨了美国贸易法的历史发展，又突出其制定过程和主要成果，其错综复杂的立法过程也是美国贸易政策纷繁复杂特点的体现。本书还考察了美国贸易法制定时的国际国内的政治和经济因素，总结了行政部门和立法部门的互动模式以及此互动模式对贸易法实施所带来的影响。本书以案例分析为主要研究方法，以“贸易决策过程模式”为主要分析工具，同时也采用了历史分析和文本分析的手段进行研究。

本书阐明美国贸易法为美国贸易政策提供了法律依据。贸易决策者不断需要法律所赋予的更多的权力和指引以便应对日益加重的责任。美国贸易法的中心思想是阻止外国“不公正”的竞争对美国产生的负面影响。然而，综观美国贸易法实施的历史可以看出：贸易法的运用主要是以牺牲别国利益为代价，谋求本国利益，为其外交战略而服务。此外，美国对自由贸易体系的追求永远受到政策妥协的羁绊。虽然立法部门对贸易法案制定的考

虑与行政部门有所不同，但他们的最终目标是一致的，即提高美国的竞争力和维护其霸权地位。最后，美国工业化的突飞猛进得益于其贸易壁垒。虽然美国声称开放市场、自由竞争，但实际上它已发展成为重商主义者，竭力保护本国受进口竞争影响的工业。

本书的创新之处在于两点，其一，很少有人对美国贸易法做过纵向研究，详细考察贸易法案的起源、制定、实施，及其所经历的变化和原因；其二，本研究着眼于不同时期美国贸易法案的使用情况，让读者更好地认识其有效使用的决定性因素。

关键词：美国贸易法，贸易政策，贸易政治，外交战略

Abstract

This book aims to show why U.S. trade laws are formulated and how effective they are by focusing on five major pieces of trade legislation, namely, the Reciprocal Trade Agreements Act of 1934, the Trade Expansion Act of 1962, the Trade Act of 1974, the Omnibus Trade and Competitiveness Act of 1988, and the Trade Act of 2002.

This book is intended to be a comprehensive historical study of U.S. trade laws since 1934. It not only traces the development of major trade laws but also focuses on the policy-making process and its substantive outcome, treating the legislation as a tangible manifestation of complex themes in U.S. trade policy. Both political and economic factors, international and domestic, are examined and summarized. So are the patterns of the interplay between the executive and legislative branches and the ways in which those patterns of interaction affect the operation of trade laws. This research employs case study as the main methodology coupled with historical analysis and textual analysis, and the trade policy decision-making models as the primary analytical tool.

This book shows that trade laws provide a legal basis for U.S. trade policy. Trade policymakers constantly need additional legal

authority and guidance to manage their enlarged responsibilities. The central purpose of U.S. trade laws is to prevent “unfair” foreign competition from weakening the vitality of American economy. However, the historical application of trade laws reveals that the United States has been using its trade laws to advance its national interest and promote foreign policy objectives at the cost of other countries. In addition, the U.S. pursuit of a liberal trading system is perpetually saddled with policy compromises. The legislative branch and the executive branch may differ in policy consideration when it comes to trade legislation, but they share the same goal of enhancing U.S. competitiveness and maintaining its hegemonic position. Finally, it turned out that the United States accomplished its greatest industrial growth historically behind protectionist barriers. While claiming to have opened up its trade to free competition, the United States has proved to be a mercantilist trader who protects its industries from imports.

This book makes a contribution to the study of U.S. trade laws and policy in the following two aspects. First, there are few longitudinal studies of U.S. trade laws which have closely examined the origin, passage, and application of trade statutes, describing changes over time and explaining the rationale behind the changes. Second, this study focuses on the application of trade laws to develop an understanding of the determinants of effectiveness of trade statutes.

Key Words: U.S. trade laws, trade policy, trade politics, foreign policy goals

Acronyms

AAA	Agricultural Adjustment Act
ADs	Antidumping Duties (trade remedy laws)
AFBF	American Farm Bureau Federation
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations
ASEAN	Association of Southeast Asian Nations
ASP	American Selling Price
CAP	Common Agricultural Policy (EU)
CEA	Council of Economic Advisers
COCOM	Coordinating Committee for Multilateral Export Controls
CVDs	Countervailing Duties (trade remedy laws)
EC	European Communities
EEC	European Economic Community
EFTA	European Free Trade Association
EU	European Union
FTA	Free Trade Agreement
FTAA	Free Trade Area of the Americas

GATT	General Agreement on Tariffs and Trade
GSP	Generalized System of Preferences
H-O	Heckscher-Ohlin (trade model)
IPR	Intellectual Property Rights
ITC	International Trade Commission
LTA	Long-Term Arrangement (Regarding International Trade in Cotton Textiles)
MFA	Multifiber Arrangement
MFN	Most Favored Nation
MOSS	Market-Oriented Sector-Selective (trade talks)
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organization
NGOs	Nongovernmental Organizations
NICs	Newly Industrializing Countries
NRA	National Recovery Act
NSC	National Security Council
NTBs	Nontariff Trade Barriers
NTER	National Trade Estimate Report (on foreign trade barriers)
OECD	Organization for Economic Cooperation and Development

OMA	Orderly Marketing Agreement
OMB	Office of Management and Budget
OPEC	Organization of Petroleum Exporting Countries
OPIC	Overseas Private Investment Corporation
PACs	Political Action Committees
PNTR	Permanent Normal Trade Relations (for China)
PTA	Preferential Trade Agreement
RTAA	Reciprocal Trade Agreements Act (1934)
SII	Structural Impediments Initiative (trade talks)
STA	Short-Term Arrangement (Regarding International Trade in Cotton Textiles)
STR	Special Trade Representative
TAA	Trade Adjustment Assistance
TDA	Trade and Development Agency
TPA	Trade Promotion Authority
USITC	U.S. International Trade Commission
USTC	United States Tariff Commission
USTR	United States Trade Representative
WTO	World Trade Organization

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