

109TH CONGRESS
1ST SESSION

H. R. 3416

To prohibit the application of the foreign affairs exemption to the rule making requirements under the Administrative Procedure Act with respect to actions of the Committee for the Implementation of Textile Agreements.

IN THE HOUSE OF REPRESENTATIVES

JULY 25, 2005

Mr. WELLER introduced the following bill; which was referred to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the application of the foreign affairs exemption to the rule making requirements under the Administrative Procedure Act with respect to actions of the Committee for the Implementation of Textile Agreements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “CITA Transparency
5 Act of 2005”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Subchapter II of chapter 5 of title 5, United
4 States Code (commonly referred to as the “Adminis-
5 trative Procedure Act”), was enacted into law,
6 among other things, to protect the interest of the
7 public in administrative justice and fair play, to pre-
8 vent ad hoc, arbitrary decisionmaking, and to ensure
9 administrative accountability.

10 (2) The Committee for the Implementation of
11 Textile Agreements, an interagency group estab-
12 lished by Executive Order 11651 (March 3, 1972),
13 performs regulatory and policy functions that regu-
14 late, impact, or otherwise affect the United States
15 textile and apparel industry, importers of textiles
16 and apparel, and the general public.

17 (3) The Committee for the Implementation of
18 Textile Agreements has maintained that it is gen-
19 erally exempt from the notice-and-comment require-
20 ments of the Administrative Procedure Act by virtue
21 of the foreign affairs exemption contained in section
22 553(a)(1) of title 5, United States Code.

23 (4) Other Federal agencies that exercise trade-
24 related functions under United States law follow
25 procedures that fully comply with the notice-and-

1 comment requirements of the Administrative Proce-
2 dures Act.

3 (5) Full compliance by the Committee for the
4 Implementation of Textile Agreements with the no-
5 tice-and-comment requirements of the Administra-
6 tive Procedure Act will not provoke undesirable
7 international consequences and will ensure fairness
8 and accountability in the administration of textile
9 agreements.

10 **SEC. 3. PROHIBITION ON APPLICATION OF FOREIGN AF-**
11 **FAIRS EXEMPTION UNDER THE ADMINISTRA-**
12 **TIVE PROCEDURE ACT WITH RESPECT TO AC-**
13 **TIONS OF THE COMMITTEE FOR THE IMPLE-**
14 **MENTATION OF TEXTILE AGREEMENTS.**

15 The Committee for the Implementation of Textile
16 Agreements shall not invoke the foreign affairs exemption
17 contained in section 553(a)(1) of title 5, United States
18 Code, with respect to any of its actions related to textile
19 trade.

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