

111TH CONGRESS
2^D SESSION

H. R. 5547

To terminate the authorities of the Trade and Development Agency.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2010

Mr. ROYCE introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To terminate the authorities of the Trade and Development Agency.

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. TERMINATION OF TRADE AND DEVELOPMENT**
4 **AGENCY.**

5 (a) TERMINATION OF AUTHORITY TO PROVIDE AS-
6 SISTANCE.—

7 (1) IN GENERAL.—Effective 60 days after the
8 date of the enactment of this Act, the Trade and
9 Development Agency shall not provide any assist-
10 ance under section 661 of the Foreign Assistance
11 Act of 1961 (22 U.S.C. 2421).

1 (2) PRESERVATION OF EXISTING CONTRACTS
2 AND AGREEMENTS.—Paragraph (1) does not require
3 the termination of any contract or other agreement
4 entered into before such paragraph takes effect.

5 (b) TERMINATION OF TDA.—Effective upon the ex-
6 piration of the 180-day period beginning on the date of
7 the enactment of this Act, the Trade and Development
8 Agency is abolished.

9 (c) TRANSFER OF OPERATIONS TO OMB.—The Di-
10 rector of the Office of Management and Budget shall, ef-
11 fective upon the expiration of the 180-day period begin-
12 ning on the date of the enactment of this Act, perform
13 the functions of the Trade and Development Agency with
14 respect to contracts and agreements described in sub-
15 section (a)(2) until the expiration of such contracts and
16 agreements, but shall not renew any such contract or
17 agreement. The Director shall take the necessary steps to
18 wind up the affairs of the Corporation.

19 (d) REPEAL OF AUTHORITIES.—Effective upon the
20 expiration of the 180-day period beginning on the date of
21 the enactment of this Act, section 661 of the Foreign As-
22 sistance Act of 1961 is repealed, but shall continue to
23 apply with respect to functions performed by the Director
24 of the Office of Management and Budget under subsection
25 (c).

1 (e) APPROPRIATIONS.—Funds available to the Trade
2 and Development Agency shall, upon the effective date of
3 the repeal made by subsection (d), be transferred to the
4 Director of the Office of Management and Budget for use
5 in performing the functions of the Agency under sub-
6 section (c). Upon the expiration of the contracts and
7 agreements with respect to which the Director is exer-
8 cising such functions, any unexpended balances of the
9 funds transferred under this subsection shall be deposited
10 in the Treasury as miscellaneous receipts.

11 **SEC. 2. SAVINGS PROVISIONS.**

12 (a) PRIOR DETERMINATIONS NOT AFFECTED.—The
13 repeal made by section 2(d) of the provision of law set
14 forth in such section shall not affect any order, determina-
15 tion, regulation, or contract that has been issued, made,
16 or allowed to become effective under such provisions before
17 the effective date of the repeal. All such orders, determina-
18 tions, regulations, and contracts shall continue in effect
19 until modified, superseded, terminated, set aside, or re-
20 voked in accordance with law by the President, the Direc-
21 tor of the Office of Management and Budget, or other au-
22 thorized official, a court of competent jurisdiction, or by
23 operation of law.

24 (b) PENDING PROCEEDINGS.—

25 (1) EFFECT ON PENDING PROCEEDINGS.—

1 (A) IN GENERAL.—The repeal made by
2 section 2(d) shall not affect any proceedings, in-
3 cluding notices of proposed rulemaking, pending
4 on the effective date of the repeal, before the
5 Trade and Development Agency, except that no
6 assistance may be provided pursuant to any ap-
7 plication pending on such effective date. Such
8 proceedings, to the extent that they relate to
9 functions performed by the Director of the Of-
10 fice of Management and Budget after such re-
11 peal, shall be continued. Orders shall be issued
12 in such proceedings, appeals shall be taken
13 therefrom, and payments shall be made pursu-
14 ant to such orders, as if this Act had not been
15 enacted; and orders issued in any such pro-
16 ceedings shall continue in effect until modified,
17 terminated, superseded, or revoked by the Di-
18 rector of the Office of Management and Budg-
19 et, by a court of competent jurisdiction, or by
20 operation of law.

21 (B) CONSTRUCTION.—Nothing in this sub-
22 section shall be deemed to prohibit the dis-
23 continuance or modification of any proceeding
24 described in subparagraph (A) under the same
25 terms and conditions and to the same extent

1 that such proceeding could have been discon-
2 tinued or modified if this Act had not been en-
3 acted.

4 (2) REGULATIONS FOR TRANSFER OF PRO-
5 CEEDINGS.—The Director of the Office of Manage-
6 ment and Budget is authorized to issue regulations
7 providing for the orderly transfer of proceedings
8 continued under paragraph (1).

9 (c) ACTIONS.—Except as provided in subsection
10 (e)—

11 (1) the provisions of this Act shall not affect
12 suits commenced before the effective date of the re-
13 peal made by section 2(d); and

14 (2) in all such suits, proceedings shall be had,
15 appeals taken, and judgments rendered in the same
16 manner and effect as if this Act had not been en-
17 acted.

18 (d) LIABILITIES INCURRED.—No suit, action, or
19 other proceeding commenced by or against an individual
20 in the official capacity of such individual as an officer of
21 the Trade and Development Agency shall abate by reason
22 of the enactment of this Act. No cause of action by or
23 against the Trade and Development Agency, or by or
24 against any officer thereof in the official capacity of such
25 officer, shall abate by reason of the enactment of this Act.

1 (e) PARTIES.—If, before the effective date of the re-
2 peal made by section 2(d), the Trade and Development
3 Agency or an officer thereof in the official capacity of such
4 officer, is a party to a suit, then such suit shall be contin-
5 ued with the Director of the Office of Management and
6 Budget substituted or added as a party.

7 (f) REVIEW.—Orders and actions of the Director of
8 the Office of Management and Budget in the exercise of
9 functions of the Trade and Development Agency shall be
10 subject to judicial review to the same extent and in the
11 same manner as if such orders and actions had been
12 issued or taken by the Trade and Development Agency.
13 Any statutory requirements relating to notice, hearings,
14 action upon the record, or administrative review that apply
15 to any function of the Trade and Development Agency
16 shall apply to the exercise of such function by the Director
17 of the Office of Management and Budget.

18 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

19 (a) TITLE 5, UNITED STATES CODE.—Section 5314
20 of title 5, United States Code, is amended by striking:

21 “Director, Trade and Development Agency.”.

22 (b) OTHER AMENDMENTS AND REPEALS.—(1) The
23 Trade and Development Enhancement Act of 1983 (12
24 U.S.C. 635q(a)) is amended—

25 (A) in section 644(a)—

1 (i) in paragraph (2), by striking “with the
2 Trade and Development Agency and”;

3 (ii) by striking paragraph (3)(A); and

4 (iii) by striking subsection (c);

5 (B) by striking section 645; and

6 (C) in section 646—

7 (i) in subsection (a)—

8 (I) in paragraph (1), by striking “sec-
9 tions 644 and 645” and inserting “section
10 644”; and

11 (II) in paragraph (2), by striking
12 “644 or”; and

13 (ii) by striking subsection (b).

14 (2) Section 647 of the Clean Water for the Americas
15 Partnership Act of 2002 (22 U.S.C. 2151p note) is re-
16 pealed.

17 (3) Section 499B(b)(3) of the Foreign Assistance Act
18 of 1961 (22 U.S.C. 2296b(b)(3)) is repealed.

19 (4) The following provisions of the Support for East
20 European Democracy (SEED) Act of 1989 are repealed:

21 (A) Section 2(c)(14) (22 U.S.C. 5401(c)(14)).

22 (B) Section 305 (22 U.S.C. 2421 note) and the
23 item relating to that section in the table of contents.

1 (5) Section 202(b)(2)(B)(v) of the Cuban Liberty and
2 Democratic Solidarity (LIBERTAD) Act of 1996 (22
3 U.S.C. 6062(b)(2)(B)(v)) is repealed.

4 (6) Section 405(a)(10) of the International Religious
5 Freedom Act of 1998 (22 U.S.C. 6445(a)(10)) is amended
6 by striking “, the Overseas Private Investment Corpora-
7 tion, or the Trade and Development Agency” and insert-
8 ing “or the Overseas Private Investment Corporation”.

9 (7) Section 616(c) of the Tibetan Policy Act of 2002
10 (22 U.S.C. 6901 note) is amended—

11 (A) in the heading, by striking “AND TDA”;
12 and

13 (B) by striking “and the Trade and Develop-
14 ment Agency”.

15 (8) Section 915 of the Energy Independence and Se-
16 curity Act of 2007 (42 U.S.C. 17335), and the item relat-
17 ing to that section in the table of contents, are repealed.

18 (c) EFFECTIVE DATE.—The amendments and re-
19 peals made by this section shall take effect upon the expi-
20 ration of the 180-day period beginning on the date of the
21 enactment of this Act.

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