

AMENDMENT TO H.R. 5300
OFFERED BY MR. MEEKS OF NEW YORK

At the appropriate place in the bill, insert the following:

1 SEC. __. PROHIBITION ON THE DESTRUCTION OF FOREIGN
2 ASSISTANCE PRODUCTS AND COMMODITIES.

3 Section 102 of the Foreign Assistance Act of 1961
4 (22 U.S.C. 2151–1) is amended—

5 (1) in subsection (b), by adding at the end the
6 following:

7 “(18) Perishable and nonperishable foreign as-
8 sistance commodities and products, including medi-
9 cine, vaccines, medical devices, food, and food com-
10 modities that are procured, managed, controlled, or
11 held in warehouses, ships, shipping containers, or
12 any other storage facility, by the United States Gov-
13 ernment or by a foreign assistance implementing
14 partner of the United States Government shall be
15 made available to intended beneficiaries, including
16 through donation, for their intended purpose and be-
17 fore the date on which such commodities and prod-
18 ucts spoil or expire.”; and

19 (2) by adding at the end the following:

1 “(d)(1) If any commodity is in the possession or con-
2 trol of a foreign assistance implementing partner of the
3 United States, the Secretary of State, the Secretary of Ag-
4 riculture, or the Administrator of the United States Agen-
5 cy for International Development, as appropriate, shall, on
6 an expedited basis, release such funds as may be necessary
7 to ensure the delivery or donation of the commodity to
8 the intended beneficiaries before the date the commodity
9 spoils or expires.

10 “(2) No commodity may be destroyed unless every
11 effort has been made to sell, donate, or otherwise make
12 the commodity available (whichever is more likely to en-
13 sure the commodity will be received and used by the in-
14 tended beneficiaries) before the date the commodity spoils
15 or expires.

16 “(3)(A) Not later than 90 days after the date of the
17 enactment of this subsection, and annually thereafter, the
18 Secretary of State, in coordination with the Administrator
19 of the United States Agency for International Develop-
20 ment and the Secretary of Agriculture, as appropriate,
21 shall submit to the appropriate congressional committees
22 a report that describes any commodity that, during the
23 year prior to the date of the submission of the report ex-
24 pired, spoiled, or was destroyed prior to the delivery of
25 such commodity to an intended beneficiary.

1 “(B) Each report required by subparagraph (A) shall
2 include, for each expired, spoiled, or destroyed commodity
3 described—

4 “(i) a description of all negotiations, plans, and
5 efforts to make the commodity available to the in-
6 tended beneficiaries;

7 “(ii) the reason the commodity was not made
8 available to the intended beneficiaries;

9 “(iii) the intended purpose of the commodity;

10 “(iv) a list of the geographic locations of all in-
11 tended beneficiaries of the commodity, by country or
12 region, as appropriate;

13 “(v) the procured and market value of the com-
14 modity; and

15 “(vi) the cost incurred to destroy or dispose of
16 the commodity.

17 “(4) In this subsection—

18 “(A) the term ‘appropriate congressional com-
19 mittees’ means—

20 “(i) the Committee on Appropriations and
21 the Committee on Foreign Affairs of the House
22 of Representatives; and

23 “(ii) the Committee on Appropriations and
24 the Committee on Foreign Relations of the Sen-
25 ate.

1 “(B) the term ‘commodity’ means a perishable
2 or nonperishable commodity or product (including
3 medicine, vaccines, medical devices, food, and food
4 commodities) that is procured, managed, controlled,
5 or held in warehouses, ships, shipping containers, or
6 any other storage facility, by the United States Gov-
7 ernment or by a foreign assistance implementing
8 partner of the United States Government for the
9 purpose of providing foreign assistance.”.

