

119TH CONGRESS
1ST SESSION

S. _____

To require United States foreign assistance commodities to be made available
for their intended purposes before they expire.

IN THE SENATE OF THE UNITED STATES

Mrs. SHAHEEN (for herself and Mr. SCHATZ) introduced the following bill;
which was read twice and referred to the Committee on

A BILL

To require United States foreign assistance commodities to
be made available for their intended purposes before
they expire.

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 “Saving Lives and Tax-
5 payer Dollars Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Foreign assistance commodities, including
9 food, medicine, family planning products, and vac-

1 cines, provide critical support to people who are re-
2 covering from the aftermath of natural disasters,
3 fleeing conflict or war, residing in refugee camps, or
4 living in developing communities with limited access
5 to health care.

6 (2) United States investments in global health
7 bolster economic growth for partner countries,
8 produce returns on investment for the United States
9 economy, create an estimated 600,000 jobs in the
10 United States, and generated an estimated
11 \$104,000,000,000 in economic activity during the
12 15-year period between 2007 and 2022.

13 (3) Reliable access to vaccines and medications,
14 including pre-exposure prophylaxis and antiretroviral
15 drugs to prevent the spread of HIV and vaccines to
16 prevent the transmission of communicable diseases
17 such as polio and drug-resistant tuberculosis, make
18 everyone safer.

19 (4) United States food assistance benefits
20 United States farmers, ranchers, and agribusinesses,
21 while addressing global food insecurity. United
22 States farmers annually supply an estimated 40 per-
23 cent of all international food assistance, which is val-
24 ued at approximately \$2,000,000,000.

1 (5) Greater access to family planning products
2 and services has the potential to prevent up to 30
3 percent of the 295,000 annual maternal deaths and
4 save the lives of approximately 1,400,000 children
5 who are younger than 5 years old.

6 (6) The voluntary destruction of foreign assist-
7 ance commodities intended for beneficiaries at risk
8 of food insecurity and famine, sexual violence, ma-
9 ternal and infant death and disease is unethical and
10 contrary to United States interests and moral obli-
11 gations.

12 **SEC. 3. PROHIBITION ON THE DESTRUCTION OF FOREIGN**
13 **ASSISTANCE PRODUCTS AND COMMODITIES.**

14 Section 102 of the Foreign Assistance Act of 1961
15 (22 U.S.C. 2151–1) is amended—

16 (1) in subsection (b), by adding at the end the
17 following:

18 “(18) Perishable and nonperishable foreign as-
19 sistance commodities and products, including medi-
20 cine, vaccines, medical devices, food and food com-
21 modities that are procured, managed, controlled, or
22 held in warehouses, ships, shipping containers, or
23 any other storage facility, by the United States Gov-
24 ernment or by a foreign assistance implementing
25 partner of the United States Government shall be

1 made available to intended beneficiaries, including
2 through donation, for their intended purpose and be-
3 fore the date on which such commodities and prod-
4 ucts spoil or expire.”; and

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

6 “(d)(1) In this subsection—

7 “(A) the term ‘appropriate congressional com-
8 mittees’ means—

9 “(i) the Committee on Foreign Relations of
10 the Senate;

11 “(ii) the Committee on Appropriations of
12 the Senate;

13 “(iii) the Committee on Foreign Affairs of
14 the House of Representatives; and

15 “(iv) the Committee on Appropriations of
16 the House of Representatives; and

17 “(B) the term ‘commodity’ means a product or
18 commodity referred to in subsection (b)(18).

19 “(2) If any commodity is in the possession or control
20 of a foreign assistance implementing partner of the United
21 States, the Secretary of State, the Secretary of Agri-
22 culture, or the Administrator of the United States Agency
23 for International Development, as appropriate, shall re-
24 lease such funds as may be necessary, on an expedited
25 basis, to ensure the delivery or donation of the commodity

1 to intended beneficiaries before the applicable spoilage or
2 expiration date.

3 “(3) No commodity may be destroyed unless every
4 effort has been made to sell, donate, or otherwise make
5 available the commodity, whichever is more likely to en-
6 sure the commodity will be received and utilized by its in-
7 tended beneficiaries, before the applicable spoilage or expi-
8 ration date.

9 “(4)(A) Not later than 90 days after the date of the
10 enactment of the Saving Lives and Taxpayer Dollars Act,
11 and annually thereafter, the Secretary of State, in coordi-
12 nation with the Administrator of the United States Agen-
13 cy for International Development and the Secretary of Ag-
14 riculture, as appropriate, shall submit a report to the ap-
15 propriate congressional committees that describes any
16 commodity that expired, spoiled, or was destroyed without
17 delivery to an intended beneficiary.

18 “(B) The report required under subparagraph (A)
19 shall include, for each expired, spoiled, or destroyed com-
20 modity —

21 “(i) a description of all negotiations, planning,
22 and efforts to make the commodity available to in-
23 tended beneficiaries;

24 “(ii) the reason the commodity was not made
25 available to intended beneficiaries;

1 “(iii) the purpose of the commodity and the ge-
2 ographic locations of all intended beneficiaries of
3 such commodity;
4 “(iv) the procured and market value of the com-
5 modity; and
6 “(v) the cost incurred to destroy the com-
7 modity.”.