

104TH CONGRESS
2D SESSION

S. 2193

To establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries.

IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 1996

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To establish a program for the disposition of donated private sector and United States Government nonlethal personal property needed by eligible foreign countries.

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 “United States Vol-
5 untary and Material Assistance Act of 1996”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that a program to dispose of
8 United States donated nonlethal personal property to for-
9 eign countries—

1 (1) would benefit the conduct of foreign policy
2 when carried out in a manner consistent with the
3 objectives of United States policy, including the ob-
4 jectives set forth in sections 101 and 102 of the For-
5 eign Assistance Act of 1961;

6 (2) would fill some of the gap created by re-
7 duced official United States foreign assistance,
8 thereby serving United States foreign policy objec-
9 tives and benefiting recipient countries;

10 (3) would provide United States assistance to
11 foreign countries at much lower cost, thereby saving
12 taxpayer money;

13 (4) would involve more people-to-people activity
14 with less bureaucracy and epitomize the virtue of
15 volunteerism; and

16 (5) would benefit the United States private sec-
17 tor engaged in foreign trade through—

18 (A) public relations;

19 (B) reduced costs for storage of disposable
20 equipment;

21 (C) potential reductions in tax liability re-
22 lating to disposable equipment; and

23 (D) penetration of new markets.

1 **SEC. 3. PURPOSE.**

2 The purpose of this Act is to supplement conventional
3 official United States foreign assistance activities through
4 a program for the transfer of private sector and United
5 States Government donated nonlethal personal property to
6 eligible countries for humanitarian or technical assistance
7 purposes consistent with the foreign policy objectives of
8 the United States.

9 **SEC. 4. DEFINITION.**

10 In this Act, the term “nonlethal personal property”
11 means any property that—

12 (1) is not a weapon, ammunition, or other
13 equipment or material designated to inflict serious
14 bodily harm or death; and

15 (2) is any of the following:

16 (A) Nonconsumable capital equipment used
17 in education, manufacturing, or agriculture, or
18 in medical treatment of persons or animals (in-
19 cluding books, journals, manuals, and software,
20 and computers and other office equipment used
21 in such activities) that is owned by a non-Fed-
22 eral entity.

23 (B) Consumables (including seeds, re-
24 agents, hand tools, repair parts, and other de-
25 vices, but not including raw materials) that are
26 not normally considered capital equipment but

1 are associated with the use of such equipment
2 owned by a non-Federal entity.

3 (C) Nonconsumable capital equipment and
4 consumables described under subparagraphs
5 (A) and (B), respectively, that—

6 (i) are determined to be surplus prop-
7 erty under the Federal Property and Ad-
8 ministrative Services Act of 1949, and

9 (ii) have been screened for donations
10 to State agencies under that Act.

11 **SEC. 5. ESTABLISHMENT OF UNITED STATES VOLUNTARY**
12 **AND MATERIAL ASSISTANCE PROGRAM.**

13 (a) IN GENERAL.—(1) To carry out the purpose of
14 this Act, the President may—

15 (A) receive nonlethal personal property donated
16 to the Federal Government by any United States
17 private sector organization and retransfer such prop-
18 erty to eligible foreign countries;

19 (B) assist private organizations and voluntary
20 organizations in the United States in transferring
21 nonlethal personal property donated to such organi-
22 zations to eligible foreign countries by transporting
23 property donated to such organizations to such
24 countries; and

1 (C) transfer to eligible foreign countries any
2 nonlethal personal property that is determined to be
3 surplus property under the Federal Property and
4 Administrative Services Act of 1949 and is made
5 available to the President under this Act.

6 (2) The exercise of authority under this section shall
7 be known as the United States Voluntary and Material
8 Assistance Program (in this Act referred to as the “Pro-
9 gram”).

10 (b) GENERAL REQUIREMENTS.—The President shall
11 ensure that the donated nonlethal personal property made
12 available for the purposes of this Act (including property
13 donated to private organizations and voluntary organiza-
14 tions) is transferred to foreign countries under the Pro-
15 gram only if such transfer is consistent with—

16 (1) the local needs of such countries, as deter-
17 mined by members of the United States official mis-
18 sions, Peace Corps volunteers, and appropriate mem-
19 bers of private organizations and voluntary organiza-
20 tions active in such countries;

21 (2) the willingness and ability of eligible coun-
22 tries and end users to utilize properly the donated
23 nonlethal personal property; and

24 (3) United States foreign policy objectives.

1 (c) ELIGIBILITY.—(1) A foreign country is eligible to
2 receive nonlethal personal property donated under the
3 Program if it—

4 (A) is not otherwise ineligible under paragraph
5 (2);

6 (B) has a legitimate need for and has formally
7 requested the property under the Program;

8 (C) has the capability to receive, operate, and
9 maintain the property;

10 (D) agrees to use the property for purposes set
11 forth in paragraph (3); and

12 (E) permits donated nonlethal personal prop-
13 erty to be imported without duty.

14 (2) The following foreign countries may not receive
15 property under the Program:

16 (A) Foreign countries ineligible to receive as-
17 sistance under the Foreign Assistance Act of 1961.

18 (B) Foreign countries ineligible to receive as-
19 sistance under the Arms Export Control Act.

20 (C) Foreign countries covered by a determina-
21 tion under section 6(j)(1)(A) of the Export Adminis-
22 tration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)).

23 (3) A foreign country that receives donated nonlethal
24 personal property under the Program shall agree—

1 (A) to use such property only in schools, hos-
2 pitals, or refugee programs, for agricultural pur-
3 poses, for starting and sustaining small businesses,
4 for responding to civil and natural disasters, for pre-
5 venting and alleviating severe public health and envi-
6 ronmental hazards, or for purposes related to such
7 uses; and

8 (B) not to resell the property for profit.

9 **SEC. 6. ADMINISTRATION OF PROGRAM.**

10 (a) INTERNATIONAL AGREEMENTS.—(1) The Presi-
11 dent may enter into agreements with eligible countries to
12 facilitate the carrying out of the Program.

13 (2) Agreements with eligible countries may provide
14 for the distribution of property transferred to such coun-
15 tries under the Program by private organizations and vol-
16 untary organizations active in such countries and by non-
17 governmental organizations in or active in such countries.

18 (b) PROGRAM COORDINATION.—(1) There shall be
19 within the Department of State a Coordinator of the Unit-
20 ed States Voluntary and Material Assistance Program (in
21 this section referred to as the “Coordinator”), who shall
22 be appointed by the President, by and with the advice and
23 consent of the Senate.

24 (2) The President shall delegate the exercise of his
25 authorities under the Program to the Coordinator.

1 (3) Upon the delegation of authority under paragraph
2 (2), the Coordinator shall be responsible for the adminis-
3 tration of the Program, including—

4 (A) the receipt, classification, repair, mainte-
5 nance, storage, and shipment of nonlethal personal
6 property donated to the Federal Government or
7 transferred to the President under the Program; and

8 (B) the receipt, storage, and shipment of non-
9 lethal personal property donated to private organiza-
10 tions or voluntary organizations in the United States
11 under the Program.

12 (4) Where possible, the Secretary of Defense shall
13 identify and make available to the Coordinator facilities
14 at United States military installations, including defense
15 depots undergoing realignment, to serve as collection
16 points for nonlethal personal property donated to the Fed-
17 eral Government, transferred to the President, or donated
18 to private organizations or voluntary organizations under
19 the Program

20 (5) The Coordinator shall work with the Secretary
21 of Agriculture, the Administrator of the Agency for Inter-
22 national Development, the Director of the United States
23 Information Agency, and other United States Government
24 agencies, or their successor organizations, that manage
25 programs of voluntary and material assistance in order to

1 rationalize and achieve the maximum effectiveness of the
2 Program.

3 (6) Property may be shipped to an end user only after
4 certification of the property under the Program. Such cer-
5 tification shall be made in accordance with the provisions
6 of subsections (c), (d), and (e).

7 (c) LIST OF EQUIPMENT AVAILABLE FOR TRANS-
8 FER.—(1) The President shall establish and maintain a
9 list of items approved for transfer to foreign countries
10 under the Program.

11 (2) An item may be added to or subtracted from the
12 list as a result of a recommendation from individuals lo-
13 cated in eligible foreign countries (including members of
14 United States missions, Peace Corps volunteers, or mem-
15 bers of appropriate private organizations or voluntary or-
16 ganizations) or by requests from appropriate officials of
17 the governments of such countries.

18 (3) The list may not include any item designed spe-
19 cifically for any military, religious, or political use.

20 (4) Used shoes may not be included on the list except
21 for such protective shoes to be used with donated equip-
22 ment. New shoes and new or used clothing may be in-
23 cluded on the list if quality control standards under sub-
24 section (d) are met with respect to such shoes and cloth-
25 ing.

1 (d) QUALITY CONTROL.—Donated nonlethal personal
2 property may not be accepted for transfer under the Pro-
3 gram unless such property is certified as acceptable for
4 its intended use by appropriate individuals of the private
5 sector donating such property, the department or agency
6 of the Federal Government transferring such property to
7 the President, private organizations or voluntary organiza-
8 tions accepting such property, or the Coordinator.

9 (e) CAPACITY TO UTILIZE.—To ensure that donated
10 nonlethal personal property is properly utilized and main-
11 tained by the end user, the President shall consider the
12 technical competence of the end user before transferring
13 the donated property, shall establish a clear policy con-
14 cerning training materials, repair parts, wiring diagrams,
15 and operating supplies to accompany the donated prop-
16 erty, and shall establish policy for related user require-
17 ments.

18 (f) PERSONNEL.—(1) The President may employ or
19 contract with such personnel or organizations as may be
20 necessary to manage and operate the Program, including
21 collection points in the United States for property donated
22 or transferred to the President, or property donated to
23 private organizations or voluntary organizations, under
24 the Program.

1 (2) Notwithstanding any other provision of law, the
2 President may accept the services of private organizations
3 and voluntary organizations, including experienced logisti-
4 cians, to assist and collaborate in all phases of the Pro-
5 gram.

6 (g) CROSS REFERENCE.—For rules regarding chari-
7 table contributions of property, see section 170 of the In-
8 ternal Revenue Code of 1986.

9 **SEC. 7. MONITORING OF PROGRAM.**

10 (a) IN GENERAL.—The President shall ensure that
11 donated nonlethal personal property transferred to foreign
12 countries under the Program is maintained and utilized
13 for the purposes intended at the time of the transfer. The
14 President shall submit to Congress on a periodic basis a
15 report on the actions taken by the President under the
16 preceding sentence, including the extent to which foreign
17 countries are utilizing and maintaining equipment for such
18 purposes.

19 (b) AMENDMENT OF FOREIGN ASSISTANCE ACT.—
20 Section 634(a) of the Foreign Assistance Act of 1961 (22
21 U.S.C. 2394(a)) is amended—

22 (1) by striking “and” at the end of paragraph
23 (11);

24 (2) by redesignating paragraph (12) as para-
25 graph (13); and

1 (3) by inserting after paragraph (11) the fol-
2 lowing new paragraph:

3 “(12) the aggregate dollar value, and the im-
4 pact on the United States foreign assistance pro-
5 gram, of the transfer of donated nonlethal personal
6 property during the preceding fiscal year under the
7 United States Voluntary and Material Assistance
8 Act of 1996, and, separately, under any other Act
9 authorizing the transfer of such property; and”.

10 **SEC. 8. PILOT PROJECTS.**

11 It is the sense of the Congress that, before carrying
12 out any other activities under the Program, the President
13 should first conduct a pilot project in eligible countries in
14 sub-Saharan Africa in order to demonstrate the feasibility
15 of transferring donated nonlethal personal property under
16 the Program.

17 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

18 (a) AUTHORIZATION OF APPROPRIATIONS.—For the
19 purpose of establishing the Program, there are authorized
20 to be appropriated \$20,000,000 for fiscal year 1997 and
21 \$25,000,000 for fiscal year 1998.

22 (b) AVAILABILITY OF FUNDS.—Funds appropriated
23 pursuant to subsection (a) are authorized to remain avail-
24 able until expended.

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