

116TH CONGRESS
1ST SESSION

H. R. 2712

To require that purchases of agricultural commodities made by the Secretary of Agriculture under the Food Purchase and Distribution Program be from domestically owned enterprises, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2019

Ms. DELAURO (for herself and Mr. MCGOVERN) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To require that purchases of agricultural commodities made by the Secretary of Agriculture under the Food Purchase and Distribution Program be from domestically owned enterprises, and for other purposes.

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 “Buy American Agri-
5 culture Act”.

6 **SEC. 2. AGRICULTURAL COMMODITIES PURCHASED FROM**
7 **DOMESTICALLY OWNED ENTERPRISES.**

8 (a) BUY AMERICA REQUIREMENT.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), in making purchase of agricultural com-
3 modities and seafood under the Food Purchase and
4 Distribution Program, the Secretary of Agriculture,
5 acting through the Administrator of the Agricultural
6 Marketing Service, may only make such purchases
7 from domestically owned enterprises.

8 (2) EXCEPTION.—Paragraph (1) shall not
9 apply if the Secretary of Agriculture determines that
10 applying such paragraph—

11 (A) would be inconsistent with the public
12 interest;

13 (B) is not possible because agricultural
14 commodities and seafood produced by domesti-
15 cally owned enterprises, as determined by the
16 Secretary of Agriculture, are not produced—

17 (i) in sufficient quantities; or

18 (ii) in a satisfactory quality; or

19 (C) would result in a greater than 25 per-
20 cent increase between—

21 (i) the amount necessary to apply
22 such paragraph in a fiscal year; and

23 (ii) the amount spent by the Agricul-
24 tural Marketing Service in purchasing ag-
25 ricultural commodities and seafood under

1 the Food Purchase and Distribution Pro-
2 gram in the fiscal year prior to such fiscal
3 year.

4 (3) PUBLICATION OF WAIVERS.—If the Sec-
5 retary of Agriculture determines that paragraph (1)
6 should not apply due to a condition specified in sub-
7 paragraphs (A) through (C) of paragraph (2), the
8 Secretary of Agriculture shall publish in the Federal
9 Register a report that includes such determination.

10 (b) PUBLICATION OF AWARDS.—In publishing the
11 awards made to vendors under the purchase programs
12 under the Agricultural Marketing Service, the Secretary
13 of Agriculture shall include the determination of such
14 award and whether the entity receiving such an award is
15 a domestically owned enterprise.

16 (c) APPLICATION OF SECTION.—This section shall be
17 applied in a manner consistent with the United States ob-
18 ligations under international agreements.

19 (d) DEFINITIONS.—In this section:

20 (1) AGRICULTURAL COMMODITY.—The term
21 “agricultural commodity” has the meaning given the
22 term under section 102(1) of the Agricultural Trade
23 Act of 1978 (7 U.S.C. 5602(1)).

1 (2) SEAFOOD.—The term “seafood” means
2 finfish, shellfish, or aquatic plants that are farm-
3 raised or harvested from the wild.

○