

116TH CONGRESS
2D SESSION

S. 3980

To prioritize the purchase of agricultural commodities from domestically owned enterprises, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 17, 2020

Mrs. LOEFFLER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To prioritize the purchase of agricultural commodities 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 “American Agriculture
5 First Act”.

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

8 (a) DEFINITIONS.—In this section:

9 (1) AGRICULTURAL COMMODITY.—The term
10 “agricultural commodity” has the meaning given the

term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Foreign Affairs of the House of Representatives;

(C) the Committee on Ways and Means of the House of Representatives;

(D) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(E) the Committee on Foreign Relations of the Senate; and

(F) the Committee on Finance of the Senate.

(3) DOMESTICALLY OWNED ENTERPRISE.—The term “domestically owned enterprise” has the meaning given the term in section 773.2 of title 7, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) PRIORITIZATION.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), if the Secretary determines that a re-
3 sponse to trade damage from retaliation by a foreign
4 nation with respect to an agricultural commodity is
5 necessary, the Secretary, acting through the Admin-
6 istrator of the Agricultural Marketing Service, shall
7 purchase from domestically owned enterprises not
8 less than 75 percent of the total quantity of that ag-
9 ricultural commodity purchased under the Food
10 Purchase and Distribution Program.

11 (2) EXCEPTION.—Paragraph (1) shall not
12 apply to the purchase of an agricultural commodity
13 made not less than 30 days after the date on which
14 the Secretary submits to the Committee on Agri-
15 culture of the House of Representatives and the
16 Committee on Agriculture, Nutrition, and Forestry
17 of the Senate a report that explains the reasons that
18 meeting the requirement under paragraph (1)—

19 (A) is not possible because the quantity of
20 the agricultural commodity available from do-
21 mestically owned enterprises cannot meet the
22 supply needs of the Agricultural Marketing
23 Service; or

24 (B) would result in a greater than 150
25 percent increase between—

- 1 (i) the amount necessary to purchase
2 that agricultural commodity; and
3 (ii) the average cost of that agricul-
4 tural commodity purchased by the Agricul-
5 tural Marketing Service in the prior 3
6 years.

7 (3) PUBLICATION OF AWARDS.—In publishing
8 the awards made to vendors under the purchase pro-
9 grams carried out by the Agricultural Marketing
10 Service, the Secretary shall include whether the enti-
11 ty receiving such an award is a domestically owned
12 enterprise.

13 (4) WTO OBLIGATIONS.—The Secretary shall
14 carry out this section consistent with World Trade
15 Organization obligations of the United States.

16 (c) REPORT REQUIRED.—For each 90-day period
17 during which the Secretary purchases 1 or more agricul-
18 tural commodities as described in subsection (b), the Sec-
19 retary shall submit to the appropriate committees of Con-
20 gress a report that includes the amount of each agricul-
21 tural commodity purchased during that period.

22 (d) SUNSET.—The authority under this section shall
23 expire on September 30, 2023.

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