

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.

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## 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

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## 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.

