

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 other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Buy American Agriculture Act”.

SEC. 2. AGRICULTURAL COMMODITIES PURCHASED FROM DOMESTICALLY OWNED ENTERPRISES.

(a) BUY AMERICA REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), in making purchase of agricultural commodities under the Food Purchase and Distribution Program, the Secretary of Agriculture, acting through the Administrator of the Agricultural Marketing Service, may only make such purchases from domestically owned enterprises.

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

(A) would be inconsistent with the public interest;

(B) is not possible because agricultural commodities produced by domestically owned enterprises, as determined by the Secretary of Agriculture, are not produced—

(i) in sufficient quantities; or

(ii) in a satisfactory quality; or

(C) would result in a greater than 25 percent increase between—

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

(ii) the amount spent by the Agricultural Marketing Service in purchasing agricultural commodities under the Food Purchase and Distribution Program in the fiscal year prior to such fiscal year.

(3) PUBLICATION OF WAIVERS.—If the Secretary of Agriculture determines that paragraph (1) should not apply due to a condition specified in subparagraphs (A) through (C) of paragraph (2), the Secretary of Agriculture shall publish in the Federal Register a report that includes such determination.

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

(c) APPLICATION OF SECTION.—This section shall be applied in a manner consistent with the United States obligations under international agreements.

(d) DEFINITIONS.—In this section:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given the term under section 102(1) of the Agricultural Trade Act of 1978 ([7 U.S.C. 5602\(1\)](#)).

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