

112TH CONGRESS
2D SESSION

S. 3611

To prohibit executive agencies from procuring merchandise subject to antidumping or countervailing duty orders, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 21, 2012

Mr. WYDEN (for himself and Mr. MERKLEY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To prohibit executive agencies from procuring merchandise subject to antidumping or countervailing duty orders, 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 Fairly Trade
5 Goods Act of 2012”.

1 **SEC. 2. PROHIBITION ON GOVERNMENT PROCUREMENT OF**
2 **MERCHANDISE SUBJECT TO ANTIDUMPING**
3 **OR COUNTERVAILING DUTY ORDERS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, the Federal Acquisition
6 Regulatory Council shall amend the Federal Acquisition
7 Regulation issued pursuant to section 1303(a)(1) of title
8 41, United States Code, to provide that, except as pro-
9 vided in subsection (b)—

10 (1) executive agencies may not procure mer-
11 chandise subject to an antidumping or countervailing
12 duty order under title VII of the Tariff Act of 1930
13 (19 U.S.C. 1671 et seq.); and

14 (2) the terms of any contract or other agree-
15 ment entered into with an energy provider prohibit
16 the use by that provider of any such merchandise in
17 the performance of the contract or agreement.

18 (b) WAIVER FOR NATIONAL SECURITY.—The amend-
19 ments to the Federal Acquisition Regulation made pursu-
20 ant to subsection (a) shall include a provision allowing for
21 the waiver of the requirements described in that sub-
22 section if the President determines that such a waiver is
23 in the national security interests of the United States.

24 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
25 MENTS.—The Federal Acquisition Regulatory Council
26 shall ensure that the amendments to the Federal Acquisi-

1 tion Regulation made pursuant to subsection (a) are con-
2 sistent with the obligations of the United States under
3 international agreements.

4 (d) EXECUTIVE AGENCY DEFINED.—In this section,
5 the term “executive agency” has the meaning given that
6 term in section 133 of title 41, United States Code.

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