

114TH CONGRESS
2D SESSION

H. R. 6299

To amend the Richard B. Russell National School Lunch Act to require a school food authority to make publicly available any waiver of the Buy American requirement, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 14, 2016

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Richard B. Russell National School Lunch Act to require a school food authority to make publicly available any waiver of the Buy American requirement, 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 Food for
5 American Schools Act of 2016”.

1 **SEC. 2. WAIVER TO PURCHASE FOREIGN COMMODITIES OR**
2 **PRODUCTS.**

3 (a) IN GENERAL.—Section 12(n)(2) of the Richard
4 B. Russell National School Lunch Act (42 U.S.C.
5 1760(n)(2)) is amended—

6 (1) in subparagraph (A), by striking “subpara-
7 graph (B)” and inserting “subparagraphs (B) and
8 (C)”; and

9 (2) by adding at the end the following:

10 “(C) WAIVER.—

11 “(i) WAIVER REQUEST.—A school
12 food authority shall request from the Sec-
13 retary a waiver of subparagraph (A) to
14 purchase foreign commodities or products.

15 “(ii) REQUIREMENTS.—The Secretary
16 may not grant a waiver to purchase foreign
17 commodities or products under clause (i)
18 unless—

19 “(I) such commodities or prod-
20 ucts—

21 “(aa) are not produced or
22 manufactured domestically in
23 sufficient amounts or of satisfac-
24 tory quality; and

25 “(bb) if purchased domesti-
26 cally, would be significantly high-

1 er in price than such foreign
2 commodities or products; and

3 “(II) the school enters into an
4 agreement under clause (iii).

5 “(iii) AGREEMENT.—The Secretary
6 may not grant a waiver under clause (i)
7 unless the school food authority requesting
8 such waiver agrees to—

9 “(I) make the waiver publicly
10 available on the website of the school
11 food authority;

12 “(II) email a notification of the
13 waiver to parents or guardians of stu-
14 dents who will be served the foreign
15 commodity or product purchased pur-
16 suant to such waiver; and

17 “(III) display a notice described
18 in clause (iii) on each school menu
19 and school campus where such foreign
20 commodities or products are served.

21 “(iv) NOTICE DESCRIBED.—The no-
22 tice described in this clause is a physical
23 notice that specifies the foreign commod-
24 ities or products (and their countries of or-

1 igin) served at the school campus at which
2 such notice is displayed.”.

3 (b) DEFINITION OF FOREIGN COMMODITY.—Section
4 12(n)(1) of the Richard B. Russell National School Lunch
5 Act (42 U.S.C. 1760(n)(1)) is amended to read as follows:

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) DOMESTIC COMMODITY OR PROD-
8 UCT.—The term ‘domestic commodity or prod-
9 uct’ means—

10 “(i) an agricultural commodity that is
11 produced in the United States; and

12 “(ii) a food product that is processed
13 in the United States substantially using
14 agricultural commodities that are produced
15 in the United States.

16 “(B) FOREIGN COMMODITY OR PROD-
17 UCT.—The term ‘foreign commodity or product’
18 means a commodity or product other than a do-
19 mestic commodity or product.”.

20 (c) CONFORMING AMENDMENTS.—Section 12(n) of
21 the Richard B. Russell National School Lunch Act (42
22 U.S.C. 1760(n)) is amended—

23 (1) in paragraph (3), by striking “Paragraph
24 (2)(A)” and inserting “Subparagraphs (A) and (C)
25 of paragraph (2)”; and

1 (2) in paragraph (4), by striking “Paragraph
2 (2)(A)” and inserting “Subparagraphs (A) and (C)
3 of paragraph (2)”.

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