

115TH CONGRESS
2D SESSION

S. 2641

To amend the Richard B. Russell National School Lunch Act to improve the requirement to purchase domestic commodities or products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 10, 2018

Mr. SULLIVAN (for himself and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Richard B. Russell National School Lunch Act to improve the requirement to purchase domestic commodities or products, 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 2018”.

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

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

6 (1) in paragraph (1)—

7 (A) by redesignating subparagraphs (A)
8 and (B) as clauses (i) and (ii), respectively, and
9 indenting appropriately;

10 (B) in the matter preceding clause (i) (as
11 so redesignated), by striking “(1) DEFINITION”
12 and all that follows through “the” and inserting
13 the following:

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

15 “(A) DOMESTIC COMMODITY OR PROD-
16 UCT.—The”; and

17 (C) by adding at the end the following:

18 “(B) FOREIGN COMMODITY OR PROD-
19 UCT.—The term ‘foreign commodity or product’
20 means an agricultural commodity or food prod-
21 uct other than a domestic commodity or prod-
22 uct.”; and

23 (2) in paragraph (2)—

24 (A) in subparagraph (A), by striking “sub-
25 paragraph (B)” and inserting “subparagraphs
26 (B) and (C)”; and

1 (B) by adding at the end the following:

2 “(C) WAIVER.—

3 “(i) WAIVER REQUEST.—Except as
4 provided in clause (ii), to purchase a for-
5 eign commodity or product, a school food
6 authority shall request from the Secretary
7 a waiver of subparagraph (A).

8 “(ii) EXCEPTION.—A school food au-
9 thority may purchase a foreign commodity
10 or product without a waiver under clause
11 (i) if the foreign commodity or product
12 is—

13 “(I) produced domestically; or

14 “(II) available domestically.

15 “(iii) REQUIREMENTS.—The Sec-
16 retary shall not grant a waiver to purchase
17 a foreign commodity or product under
18 clause (i) unless—

19 “(I) as determined by the Sec-
20 retary, the commodity or product—

21 “(aa) is not produced do-
22 mestically in a sufficient quantity
23 or of a satisfactory quality; and

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

1 er in price than a foreign com-
2 modity or product; and

3 “(II) the school food authority
4 requesting the waiver agrees—

5 “(aa) to make the waiver
6 publicly available on the website
7 of the school food authority; and

8 “(bb) to email a notification
9 of the waiver to parents or
10 guardians of students who will be
11 served the foreign commodity or
12 product purchased pursuant to
13 the waiver.”.

14 (b) CONFORMING AMENDMENTS.—Section 12(n) of
15 the Richard B. Russell National School Lunch Act (42
16 U.S.C. 1760(n)) is amended—

17 (1) in paragraph (3), by striking “Paragraph
18 (2)(A)” and inserting “Subparagraphs (A) and (C)
19 of paragraph (2)”; and

20 (2) in paragraph (4), by striking “Paragraph
21 (2)(A)” and inserting “Subparagraphs (A) and (C)
22 of paragraph (2)”.

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