

116TH CONGRESS  
1ST SESSION

# H. R. 1066

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2019

Mr. GARAMENDI (for himself and Mr. LAMALFA) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## 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 2019”.

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.—Except as  
12 provided in clause (ii), a school food au-  
13 thority shall request from the Secretary a  
14 waiver of subparagraph (A) to purchase  
15 foreign commodities or products.

16 “(ii) EXCEPTION.—A school food au-  
17 thority may purchase foreign commodities  
18 or products without a waiver under clause  
19 (i) if such commodities or products are  
20 not—

21 “(I) produced domestically; or

22 “(II) available domestically.

23 “(iii) REQUIREMENTS.—The Sec-  
24 retary may not provide a waiver to pur-  
25 chase foreign commodities or products  
26 under clause (i) unless—

1 “(I) such commodities or prod-  
2 ucts—

3 “(aa) are not produced do-  
4 mesticallly in sufficient amounts  
5 or of satisfactory quality; and

6 “(bb) if purchased domesti-  
7 cally, would be significantly high-  
8 er in price than such foreign  
9 commodities or products; and

10 “(II) the school enters into an  
11 agreement under clause (iv).

12 “(iv) AGREEMENT.—The Secretary  
13 may not provide a waiver under clause (i)  
14 unless the school food authority requesting  
15 such waiver agrees to—

16 “(I) not later than 30 days after  
17 receiving such a waiver, make the  
18 waiver publicly available on the  
19 website of the school food authority;  
20 and

21 “(II) not less than once each  
22 school year, email a notification of all  
23 waivers to parents or guardians of  
24 students who will be served the for-

1                   eign commodity or product purchased  
2                   pursuant to any such waivers.”.

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)”.

4           (d) RULE OF CONSTRUCTION.—Nothing in this Act  
5           or the amendments by this Act shall effect the require-  
6           ments under section 4207 of the Agriculture Improvement  
7           Act of 2018 (Public Law 115–334).

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