

117TH CONGRESS
1ST SESSION

H. R. 465

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

JANUARY 25, 2021

Mr. GARAMENDI (for himself, Ms. KAPTUR, Mr. FORTENBERRY, Mr. RYAN, Mr. LAMALFA, Mr. CARBAJAL, Mr. YOUNG, and Mr. KILMER) introduced the following bill; which was referred to the Committee on Education and Labor

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 2021”.

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)”;

9 (2) in subparagraph (B)(ii), by striking “for the
10 school lunch program under this Act or the school
11 breakfast program under section 4 of the Child Nu-
12 trition Act of 1966 (42 U.S.C. 1773).” and inserting
13 “for—

14 “(I) the school lunch program
15 under this Act, including any snacks
16 served under such program;

17 “(II) the special milk program
18 under section 3 of the Child Nutrition
19 Act of 1966 (42 U.S.C. 1772); and

20 “(III) the school breakfast pro-
21 gram under section 4 of the Child Nu-
22 trition Act of 1966 (42 U.S.C.
23 1773).”.

24 (3) by adding at the end the following:

25 “(C) WAIVER.—

1 “(i) WAIVER REQUEST.—Except as
2 provided in clause (ii), a school food au-
3 thority shall request from the Secretary a
4 waiver of subparagraph (A) to purchase
5 foreign commodities or products.

6 “(ii) EXCEPTION.—A school food au-
7 thority may purchase foreign commodities
8 or products without a waiver under clause
9 (i) if such commodities or products are
10 not—

11 “(I) produced domestically; or

12 “(II) available domestically.

13 “(iii) REQUIREMENTS.—The Sec-
14 retary may not provide a waiver to pur-
15 chase foreign commodities or products
16 under clause (i) unless—

17 “(I) the commodities or prod-
18 ucts—

19 “(aa) are not produced do-
20 mestically in sufficient amounts
21 or of satisfactory quality; and

22 “(bb) if purchased domesti-
23 cally, would be significantly high-
24 er in price than such foreign
25 commodities or products; and

1 “(II) the school enters into an
2 agreement under clause (iv).

3 “(iv) AGREEMENT.—The Secretary
4 may not provide a waiver under clause (i)
5 unless the school food authority requesting
6 such waiver agrees to—

7 “(I) not later than 30 days after
8 receiving such a waiver, make the
9 waiver publicly available on the
10 website of the school food authority;
11 and

12 “(II) not less than once each
13 school year, email a notification of all
14 waivers to parents or guardians of
15 students who will be served the for-
16 eign commodity or product purchased
17 pursuant to any such waivers.”.

18 (b) DEFINITION OF FOREIGN COMMODITY.—Section
19 12(n)(1) of the Richard B. Russell National School Lunch
20 Act (42 U.S.C. 1760(n)(1)) is amended to read as follows:

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

22 “(A) DOMESTIC COMMODITY OR PROD-
23 UCT.—The term ‘domestic commodity or prod-
24 uct’ means—

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

3 “(ii) a food product that is processed
4 in the United States substantially using
5 agricultural commodities that are produced
6 in the United States.

7 “(B) FOREIGN COMMODITY OR PROD-
8 UCT.—The term ‘foreign commodity or product’
9 means a commodity or product other than a do-
10 mestic commodity or product.”.

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

14 (1) in paragraph (3), by striking “Paragraph
15 (2)(A)” and inserting “Subparagraphs (A) and (C)
16 of paragraph (2)”; and

17 (2) in paragraph (4), by striking “Paragraph
18 (2)(A)” and inserting “Subparagraphs (A) and (C)
19 of paragraph (2)”.

20 (d) RULE OF CONSTRUCTION.—Nothing in this Act
21 or the amendments by this Act shall affect the require-
22 ments under section 4207 of the Agriculture Improvement
23 Act of 2018 (42 U.S.C. 1760 note).

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