

115TH CONGRESS
1ST SESSION

H. R. 1241

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

FEBRUARY 28, 2017

Mr. LAMALFA (for himself, Mr. GARAMENDI, Mr. JONES, Mr. GALLAGHER, Mr. DUFFY, Mr. PANETTA, and Ms. KAPTUR) 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 2017”.

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 grant a waiver to purchase
25 foreign commodities or products under
26 clause (i) unless—

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

3 “(aa) are not produced do-
4 mestically 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 grant a waiver under clause (i)
14 unless the school food authority requesting
15 such waiver agrees to—

16 “(I) make the waiver publicly
17 available on the website of the school
18 food authority; and

19 “(II) email a notification of the
20 waiver to parents or guardians of stu-
21 dents who will be served the foreign
22 commodity or product purchased pur-
23 suant to such waiver.”.

1 (b) DEFINITION OF FOREIGN COMMODITY.—Section
2 12(n)(1) of the Richard B. Russell National School Lunch
3 Act (42 U.S.C. 1760(n)(1)) is amended to read as follows:

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

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

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

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

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

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

21 (1) in paragraph (3), by striking “Paragraph
22 (2)(A)” and inserting “Subparagraphs (A) and (C)
23 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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