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(Original Signature of Member)

116TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

Mr. GARAMENDI introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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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 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).