

AMENDMENT TO
RULES COMMITTEE PRINT 119-22
OFFERED BY MS. LETLOW OF LOUISIANA

Add at the end of subtitle D of title XII the following:

1 **SEC. 12__ . PROHIBITION ON PROCUREMENT OF FOREIGN**
2 **SEAFOOD.**

3 (a) IN GENERAL.—Notwithstanding any other provi-
4 sion of law, the head of an agency may not procure sea-
5 food for any covered food program unless such seafood
6 is—

7 (1) harvested—

8 (A) in the United States; and

9 (B) by a United States-flagged fishing ves-
10 sel; or

11 (2) produced and processed in the United
12 States through aquaculture or domestic seafood
13 processing.

14 (b) LIMITED WAIVER AUTHORITY.—

15 (1) IN GENERAL.—The head of an agency may
16 waive the prohibition described in subsection (a) if
17 the Secretary determines that the quantity of United
18 States-produced seafood—

1 (A) is insufficient to meet the needs of the
2 relevant covered food program; or

3 (B) does not meet the applicable food safe-
4 ty or quality standards required under Federal
5 law or the regulations of the relevant covered
6 food program.

7 (2) PUBLICATION; REPORT.—

8 (A) IN GENERAL.—Not later than 30 days
9 after a waiver is granted pursuant to paragraph
10 (1), the waiver shall be published in the Federal
11 Register and reported to Congress.

12 (B) CONTENTS.—Each publication and re-
13 port required by subparagraph (A) shall include
14 the following:

15 (i) An identification of the relevant
16 covered food program.

17 (ii) A description of the seafood cov-
18 ered by the waiver.

19 (iii) The duration of the waiver.

20 (iv) A description of the determination
21 by the Secretary described in paragraph
22 (1) with respect to such waiver.

23 (c) CHILD NUTRITION AMENDMENTS.—Section
24 12(n) of the Richard B. Russell National School Lunch
25 Act (42 U.S.C. 1760(n)) is amended—

1 (1) by amending paragraph (1) to read as fol-
2 lows:

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

4 “(A) AQUACULTURE.—The term ‘aqua-
5 culture’ means the farming of aquatic orga-
6 nisms in controlled environments for human
7 consumption.

8 “(B) DOMESTIC COMMODITY OR PROD-
9 UCT.—The term ‘domestic commodity or prod-
10 uct’ means—

11 “(i) agricultural commodity that is
12 produced in the United States;

13 “(ii) a food product that is processed
14 in the United States substantially using
15 agricultural commodities that are produced
16 in the United States; and

17 “(iii) seafood that is—

18 “(I) harvested—

19 “(aa) in the United States;
20 and

21 “(bb) by a United States-
22 flagged fishing vessel; or

23 “(II) produced and processed in
24 the United States through aqua-

1 culture or domestic seafood proc-
2 essing.

3 “(C) DOMESTIC SEAFOOD PROCESSING.—

4 The term ‘domestic seafood processing’ means
5 the processing operations that occur within the
6 United States to materially transform seafood
7 into a product intended for human consump-
8 tion.

9 “(D) EXCLUSIVE ECONOMIC ZONE.—The
10 term ‘exclusive economic zone’ has the meaning
11 given that term in section 3 of the Magnuson-
12 Stevens Fishery Conservation and Management
13 Act (16 U.S.C. 1802).

14 “(E) SEAFOOD.—The term ‘seafood’
15 means the following:

16 “(i) Finfish.

17 “(ii) Shellfish.

18 “(iii) Crustaceans.

19 “(iv) Shrimp.

20 “(v) Crawfish.

21 “(vi) Oysters.

22 “(vii) Catfish.

23 “(viii) Any other aquatic species in-
24 tended for human consumption.

1 “(F) UNITED STATES-FLAGGED FISHING
2 VESSEL.—The term ‘United States-flagged fish-
3 ing vessel’ means a vessel—

4 “(i) documented under chapter 121 of
5 title 46, United States Code; and

6 “(ii) eligible to operate in the exclu-
7 sive economic zone.

8 “(G) UNITED STATES-PRODUCED.—The
9 term ‘United States-produced’ means harvested,
10 raised, and processed within the United States,
11 including the territorial waters and exclusive
12 economic zone of the United States.”; and

13 (2) in paragraph (2)—

14 (A) in subparagraph (A), by inserting
15 “and subparagraph (C)” after “subparagraph
16 (B)”; and

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

18 “(C) WAIVER FOR SEAFOOD.—

19 “(i) IN GENERAL.—The Secretary
20 may waive the requirement under subpara-
21 graph (A) with respect to seafood de-
22 scribed in paragraph (1)(C) if the Sec-
23 retary determines that the quantity of
24 United States-produced seafood—

1 “(I) is insufficient to meet the
2 needs of the school lunch program
3 under this Act or the school breakfast
4 program under section 4 of the Child
5 Nutrition Act of 1966 (42 U.S.C.
6 1773); or

7 “(II) does not meet the applica-
8 ble food safety or quality standards
9 required under this Act or the Child
10 Nutrition Act of 1966 (42 U.S.C.
11 1771 et seq.).

12 “(ii) PUBLICATION; REPORT.—

13 “(I) IN GENERAL.—Not later
14 than 30 days after a waiver is granted
15 pursuant to clause (i), the waiver shall
16 be published in the Federal Register
17 and reported to Congress.

18 “(II) CONTENTS.—Each publica-
19 tion and report required by subclause
20 (I) shall include the following:

21 “(aa) A description of
22 whether the waiver is with re-
23 spect to the school lunch pro-
24 gram under this Act or the
25 school breakfast program under

1 section 4 of the Child Nutrition
2 Act of 1966 (42 U.S.C. 1773).

3 “(bb) A description of the
4 seafood covered by the waiver.

5 “(cc) The duration of the
6 waiver.

7 “(dd) A description of the
8 determination by the Secretary
9 described in clause (i) with re-
10 spect to such waiver.”.

11 (d) IMPLEMENTATION.—Not later than 180 days
12 after the date of the enactment of this section, the Sec-
13 retary, in consultation with the Secretary of Commerce
14 and the Secretary of Defense—

15 (1) shall promulgate, under section 553 of title
16 5, United States Code, regulations to carry out this
17 section; and

18 (2) may issue guidance consistent with such
19 regulations to agencies to carry out this section.

20 (e) DEFINITIONS.—In this section:

21 (1) AQUACULTURE.—The term “aquaculture”
22 means the farming of aquatic organisms in con-
23 trolled environments for human consumption.

1 (2) AGENCY.—The term “agency” has the
2 meaning given that term in section 551 of title 5,
3 United States Code.

4 (3) COVERED FOOD PROGRAM.—The term “cov-
5 ered food program” means the following:

6 (A) Any program carried out under the
7 Emergency Food Assistance Act of 1983 (7
8 U.S.C. 7501 et seq.).

9 (B) A subsistence or food service program
10 of the Department of Defense.

11 (C) Any program to provide food in an
12 area in which the President has declared a
13 major disaster under section 401 of the Robert
14 T. Stafford Disaster Relief and Emergency As-
15 sistance Act (42 U.S.C. 5170) carried out by
16 the Administrator of the Federal Emergency
17 Management Agency.

18 (D) Any other program of an agency that
19 purchases or distributes food using Federal
20 funds.

21 (4) DOMESTIC SEAFOOD PROCESSING.—The
22 term “domestic seafood processing” means the proc-
23 essing operations that occur within the United
24 States to materially transform seafood into a prod-
25 uct intended for human consumption.

1 (5) EXCLUSIVE ECONOMIC ZONE.—The term
2 “exclusive economic zone” has the meaning given
3 that term in section 3 of the Magnuson-Stevens
4 Fishery Conservation and Management Act (16
5 U.S.C. 1802).

6 (6) SEAFOOD.—The term “seafood” means the
7 following:

8 (A) Finfish.

9 (B) Shellfish.

10 (C) Crustaceans.

11 (D) Shrimp.

12 (E) Crawfish.

13 (F) Oysters.

14 (G) Catfish.

15 (H) Any other aquatic species intended for
16 human consumption.

17 (7) UNITED STATES-FLAGGED FISHING VES-
18 SEL.—The term “United States-flagged fishing ves-
19 sel” means a vessel—

20 (A) documented under chapter 121 of title
21 46, United States Code; and

22 (B) eligible to operate in the exclusive eco-
23 nomic zone.

24 (8) UNITED STATES-PRODUCED.—The term
25 “United States-produced” means harvested, raised,

1 and processed within the United States, including
2 the territorial waters and exclusive economic zone of
3 the United States.

4 (f) NO ADDITIONAL AUTHORIZATION OF APPROPRIA-
5 TIONS.—No additional amounts are authorized to be ap-
6 propriated to carry out this section.

