

To the office of U.S. Senator Tim Sheehy

Re: S 5174 (119th Congress), American Food for American Schools Act of 2026 • Latest action (2026-07-30): Read twice and referred to the Committee on Agriculture, Nutrition, and Forestry.

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Office of record (Congress.gov): 124 Russell Senate Office Building Washington, DC 20510, Washington, DC • (202) 224-2644

School Lunch Buy American Waiver Transparency Act of 2025

The measure, as described from the official record: Require school food authorities to publicly disclose any waivers of the Buy American requirement for school lunch programs, increasing transparency about when foreign food is purchased.

THE PROPOSAL

Section 1. Short Title. This Act may be cited as the 'School Lunch Buy American Waiver Transparency Act of 2025'.

Section 2. Purpose. To ensure public accountability for waivers of the Buy American requirement under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

Section 3. Public Disclosure Requirement. (a) In General. Not later than 30 days after granting a waiver of the Buy American requirement under section 9(j) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(j)), a school food authority shall submit to the Secretary of Agriculture a report containing: (1) the name and location of the school food authority; (2) the specific waiver granted; (3) the duration of the waiver; (4) the justification for the waiver, including the cost difference and availability of domestically produced food; and (5) the estimated value of food purchased under the waiver. (b) Public Availability. The Secretary shall make each report publicly available on a centralized website within 7 days of receipt, in a searchable, machine-readable format. (c) Annual Summary. The Secretary shall publish an annual summary of all waivers granted, including aggregate data and trends, by December 31 of each year.

Section 4. Oversight and Enforcement. The Inspector General of the Department of Agriculture shall audit compliance with this section every two years and report to Congress. A school food authority that fails to submit a required report shall be subject to a reduction of not less than 5 percent of its federal school lunch reimbursement for the fiscal year following the violation, until compliance is achieved.

Section 5. Funding. The Secretary shall carry out this Act using existing appropriations for the National School Lunch Program, with no additional authorization of funds.

Section 6. Sunset. This Act shall sunset 5 years after the date of enactment, unless reauthorized by Congress.

Section 7. Effective Date. This Act shall take effect 180 days after the date of enactment.

OPERATIVE PROVISIONS (VFA PROPOSAL)

Funding Source	Existing appropriations for the National School Lunch Program (7 U.S.C. 1751 et seq.)
Funding Amount	No additional funds authorized; costs absorbed within current USDA administrative budget.
Sunset Years	5 years
Oversight Body	Office of Inspector General, U.S. Department of Agriculture
Enforcement Mechanism	Withholding 5% of federal school lunch reimbursements for non-compliant school food authorities until reports are submitted.
Effective Date	180 days after enactment

CONSTITUTIONAL BASIS

- Article I, Section 8, Clause 1 (Spending Clause)
- Article I, Section 8, Clause 3 (Commerce Clause)
- Tenth Amendment (reserving to states and local school authorities the implementation of food procurement within federal conditions)

Concerns with the measure as written:

- The original bill is likely constitutional under the Spending Clause (Article I, Section 8, Clause 1) and the Commerce Clause (Article I, Section 8, Clause 3) as it conditions federal school lunch funding. No significant constitutional concerns identified.
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WHY BOTH SIDES CAN BACK IT (VFA'S ASSESSMENT)

Honors Democratic priorities: transparency, accountability, centralized public database, and auditing of waiver programs. Honors Republican priorities: fiscal restraint (no new funding), limited federal role (local school authorities submit reports, not federal mandates on procurement), and sunset provision to ensure review. Also respects Buy American principles by incentivizing compliance.

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