



Buy American Policy

Permissible Products in SNA Exhibit Show

Companies exhibiting at SNA's Annual National Conference and /or showing their product at a predetermined sponsored meal event may only include products that are within the USDA regulations to be sold in Child Nutrition (CN) programs. It is the exhibitor's responsibility to ensure that their products meet all USDA's compliance requirements.

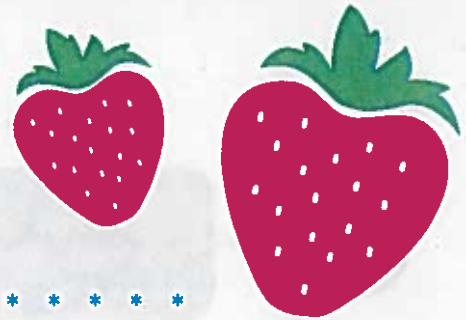
Buy American Provision:

Exhibitors agree to display, prepare or promote only those products that comply with the Buy American Provision which defines a domestic agricultural commodity as one that is produced in the United States and a domestic agricultural product as one that is processed in the United states substantially using agricultural commodities that are produced in the United States." USDA Policy Memorandum SP38-2017, *Compliance with and Enforcement of the Buy American Provision in the National School Lunch Program*, dated June 30, 2017 provides that "substantially" means the agricultural food component must contain over 51% domestic agricultural commodities by weight or volume.

For more information, visit the USDA's Child Nutrition Program (CNP) website at:
<https://www.fns.usda.gov/school-meals/compliance-enforcement-buy-american>



BUY AMERICAN: SUPPORTING DOMESTIC AGRICULTURE IN SCHOOL MEALS



The **BUY AMERICAN PROVISION** safeguards the health and well-being of our Nation's children and supports the U.S. economy, American farmers, and small and local agricultural businesses (7 CFR 210.21 (d) and Memo SP 38-2017).

School food authorities (SFAs) in the continental United States* must purchase domestic agricultural commodities and food products. For foods that are unprocessed, the agricultural commodities must be domestic, and for foods that are processed, they must be processed domestically using domestic agricultural food components that are comprised of over 51% domestically grown items, by weight or volume. A domestic creditable food component is the portion that counts toward a reimbursable school meal (meats/meat alternates, grains, vegetables, fruits, and fluid milk).

- Foods and food products of Guam, American Samoa, U.S. Virgin Islands, Puerto Rico, and the Northern Mariana Islands are considered domestic.

How SFAs Can Buy American Foods

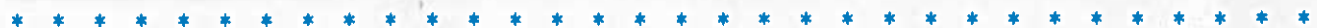
- Develop menus that include only domestic foods and domestic food products. **
- Include the Buy American provision and Geographic Preference option in written procurement procedures, specifications in solicitations, and contracts for food; be sure to monitor contractor performance!
- Require suppliers to attest that their final food products are either 100% domestic commodities or a food product containing over 51% domestic food components, by weight or volume.
- Use USDA Foods and food products processed in the United States using USDA Foods.
- Participate in **The Farm to School Program!**

Exceptions to Buy American

There are two limited exceptions when non-domestic foods may be purchased. These exceptions are determined by the SFA:

- The food or food product is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality; or
- Competitive bids reveal the cost of a U.S. food or food product is significantly higher than the non-domestic product.

REMEMBER:
Document exceptions and keep records!



*SFAs in Alaska, Hawaii, and the U.S. territories are exempt from the Buy American provision. However, SFAs in Hawaii are required to purchase food products produced in Hawaii in sufficient quantities, as determined by the SFA, per 7 CFR 210.21(d) (3). Likewise, SFAs in Puerto Rico are required to purchase food products produced in Puerto Rico in sufficient quantities, under 42 USC 1760(n)(4).

**Information on availability of domestic foods available at: <https://www.ams.usda.gov/market-news>



BUY AMERICAN

7 CFR 210.21(D) AND MEMO SP 38-2017

START

Was the agricultural commodity or food product purchased using the nonprofit school food service account?

NO

Buy American does not apply.



YES

Buy American applies.



ASK

Is this a processed food product that uses agricultural commodities?

YES

The agricultural food product must be:
1) processed in the U.S.; and
2) of the creditable food components, over 51% must be domestic by weight or volume*.
Applies to Program and non-Program foods.



NO

This is an agricultural commodity (i.e. unprocessed). Agricultural commodities must be produced in the U.S.

ASK

Do competitive bids reveal the U.S. agricultural commodity or food product is significantly more costly?*

YES

Is the agricultural commodity or food product produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality?*

ASK

Do either of the exceptions apply?

NO

Buy American applies.

YES

A documented exception is permitted and a non-domestic agricultural commodity or food product may be purchased.

NO

Document any exceptions used; Consider domestic food alternatives prior to approving non-domestic foods; Show documentation on procurement and administrative reviews.



*As determined by the SFA.

SFAs can obtain information on Buy American at <https://www.fns.usda.gov/school-meals/compliance-enforcement-buy-american> or by contacting their State agency.