



## BUY AMERICAN FAQs

1. Which purchases do schools need to track to meet Buy American requirements?
  - a. The Buy American regulations **only apply to foods purchased for the School Breakfast Program (SBP) and National School Lunch Program (NSLP)**.
    - i. SFAs do not need to track purchases for foods used outside of these programs. Smart Snacks, A la Carte items, and other meals outside of NSLP and SBP do not fall under Buy American regulations.
2. Does the 10% cap on non-domestic purchases pertain to containers such as the can fruit comes in, or the plastic container a product comes in?
  - a. 10% only applies to the products, not the containers the products come in.
3. What documentation is required for non-domestic purchases?
  - a. For items on the FAR (Federal Acquisition Regulation) list: No documentation is required to justify the purchase.
  - b. For items **not** on the FAR list: SFAs must maintain documentation proving one of the two [limited exceptions](#) were met.
4. Do limited exceptions and products on the FAR list count towards the 10%?
  - a. Yes, they count towards the 10%.
5. Where can we find the FAR list, and how often does it get updated?
  - a. <https://www.acquisition.gov/far/25.104>
  - b. The FAR list is published in the Federal Register for public comment no less frequently than once every five years in accordance with 48 CFR 25.104(b).
6. How should SFAs track products with unknown origin?
  - a. SFAs should rely on their contract as the mechanism to ensure that a product is domestic. An SFA can revisit the terms and conditions of their contract and ensure that Buy American requirements are clearly stated. Your contract is your coverage. SFAs can also request a domestic



certification statement. If you get a domestic certification that a product is Buy American compliant from your vendor, that is good as well.

- 7. Are spices, condiments, oils, and herbs included under the Buy American provision, and do they need to be tracked and included in the 10%?**
  - a. Spices, herbs, and certain oils (such as olive oil) are on the FAR list. They count toward the 10% cap, but you do not need any documentation justifying their non-domestic origin since they're already on the FAR list.
- 8. Is it possible to shorten the Buy American compliance assessment to a reference period rather than reviewing the annual purchases?**
  - a. Buy American requirements are based on annual purchases, and those domestic versus nondomestic purchases can fluctuate from month to month. So, State agencies will need to review an entire year to assess compliance with this requirement.

**For more details,** see the [Buy American Fact Sheet](#) which explains how schools must prioritize U.S.-produced foods under 7 CFR 210.21(d) and when limited exceptions apply. You can also review USDA's summary of the [Buy American provisions](#) for Child Nutrition Programs.