

# Buy American Requirement for the School Nutrition Programs

This document summarizes the Buy American requirement for the school nutrition programs. This guidance applies to the requirements for procurement procedures (including all procurement procedures, solicitations, and contracts) for the U.S. Department of Agriculture’s (USDA) [National School Lunch Program \(NSLP\)](#), [School Breakfast Program \(SBP\)](#), [Seamless Summer Option \(SSO\)](#) of the NSLP, and [Afterschool Snack Program \(ASP\)](#) of the NSLP.



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# Buy American Requirement for the School Nutrition Programs

## Introduction to the Buy American Requirement

All foods sold in the USDA’s school nutrition programs must comply with the Buy American requirement under the federal regulations for the NSLP ([7 CFR 210.21 \(d\)](#)) and SBP ([7 CFR 220.16 \(d\)](#)), and the requirements of the USDA final rule, [Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans](#). The Buy American requirement specifies that schools and institutions must purchase domestic commodities or products to the maximum extent practicable.

- A “domestic commodity or product” is an agricultural commodity that is produced in the United States (U.S.), and a food product that is processed in the U.S. substantially using agricultural commodities that are produced in the U.S.
- “Substantially” means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically.

All procurement procedures, solicitations, and contracts must include the Buy American requirement.

## Annual limit for non-domestic food purchases

The USDA final rule, [Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans](#), requires school food authorities (SFAs) to gradually reach an annual 5 percent cap for nondomestic food purchases by school year 2031-32. The table below summarizes the required annual cap by school year.

**Table 1. Annual cap on nondomestic food purchases by school year**

School year	Annual cap
2025-2026 (beginning July 1, 2025)	10 percent
2028-2029 (beginning July 1, 2028)	8 percent
2031-2032 (beginning July 1, 2031)	5 percent

SFAs must ensure that all foods purchased using funds from the nonprofit school food service account (NSFSA) comply with the Buy American provision. This includes foods that are part of reimbursable meals and competitive foods sold a la carte, i.e., foods and beverages sold separately from reimbursable meals.

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## Limited Exceptions

The USDA allows only two limited exceptions to the requirement that SFAs must purchase domestic foods.

1. The product is listed on the [Federal Acquisitions Regulations \(FAR\) Non-available Articles List \(FAR 25.104\)](#) and/or is not produced or manufactured in the U.S. in sufficient and reasonably available quantities of a satisfactory quality. The Nonavailable Articles List is a list of items that have been deemed not available in the U.S. and excepted from the Buy American statute.
2. Competitive bids reveal the costs of a U.S. product are significantly higher than the non-domestic product. The definition of “significantly higher” is not defined by the USDA and is at the SFA’s discretion. The SFA is responsible for determining the dollar amount or percentage that constitutes a significantly higher cost for a domestic product, thus permitting the use of an exception.

Purchases of nondomestic foods are not permitted unless one of these exceptions applies.

## Required Documentation for Nondomestic Foods

SFAs must maintain documentation on file to indicate that any purchases of nondomestic foods meet one of the exceptions indicated above. Two types of documentation are permitted.

1. The product is listed on the FAR Non-available Articles List. Additional documentation is not required when SFAs purchase food items found on this list.
2. The CSDE’s [Buy American Justification Form](#) must be used to document any other nondomestic foods that are not on the FAR Non-available Articles List. SFAs must maintain this form on file with other required records in accordance with the NSLP and SBP regulations.

The CSDE will evaluate the SFA’s documentation and compliance with the Buy American requirement during the Administrative Review of the school nutrition programs.

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## Resources

Buy American Factsheet (USDA):

<https://www.fns.usda.gov/cn/buy-american-fact-sheet>

Buy American Justification Form (CSDE):

[https://portal.ct.gov/-/media/sde/nutrition/nslp/procure/buy\\_american\\_form.pdf](https://portal.ct.gov/-/media/sde/nutrition/nslp/procure/buy_american_form.pdf)

Buy American Requirement (“Documents/Forms” section of CSDE’s Procurement for School Nutrition Programs webpage):

<https://portal.ct.gov/sde/nutrition/procurement-for-school-nutrition-programs/documents#BuyAmerican>

USDA Final Rule: Child Nutrition Programs: Meal Patterns Consistent with the 2020-2025 Dietary Guidelines for Americans (89 FR 31962):

<https://www.federalregister.gov/documents/2024/04/25/2024-08098/child-nutrition-programs-meal-patterns-consistent-with-the-2020-2025-dietary-guidelines-for>

USDA Memo SP 32-2019: Buy American and the Agriculture Improvement Act of 2018:

<https://www.fns.usda.gov/school-meals/buy-american-and-agriculture-improvement-act-2018>

USDA Memo SP 38-2017: Compliance with and Enforcement of the Buy American Provision in the NSLP:

<https://www.fns.usda.gov/school-meals/compliance-enforcement-buy-american>

## Buy American Requirement for the School Nutrition Programs

For more information, visit the “[Buy American Provision](#)” section of the CSDE’s [Procurement for School Nutrition Programs](#) webpage or contact the [procurement staff](#) at the Connecticut State Department of Education, Bureau of Child Nutrition Programs, 450 Columbus Boulevard, Suite 504, Hartford, CT 06103-1841. This document is available at [https://portal.ct.gov/-/media/sde/nutrition/nslp/procure/buy\\_american\\_requirements\\_snp.pdf](https://portal.ct.gov/-/media/sde/nutrition/nslp/procure/buy_american_requirements_snp.pdf).

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant’s name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail: U.S. Department of Agriculture  
Office of the Assistant Secretary for Civil Rights  
1400 Independence Avenue, SW  
Washington, D.C. 20250-9410; or
2. fax: (833) 256-1665 or (202) 690-7442; or
3. email: [program.intake@usda.gov](mailto:program.intake@usda.gov)

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