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Michael F. Easley, Governor

Carmen Hooker Odom, Secretary

February 18, 2002

**CACFP 02-06**

**MEMORANDUM**

**TO:** Institutions Participating in the CACFP Program

**FROM:** Arnette Cowan, MS, RD, LDN  
Head, Special Nutrition Programs

**SUBJECT:** Buy American Provision

Section 104(d) of the William F. Goodling Child Nutrition Reauthorization Act of 1998 requires schools and institutions participating in the National School Lunch Program (NSLP) and School Breakfast program (SBP) in the contiguous United States to purchase, to the maximum extent practicable, domestic commodities or products for use in meals served under the NSLP and SBP. The legislation defines "domestic commodity or product" as one that is produced in the United States and is processed in the United States substantially using agricultural commodities that are processed in the United States.

The report accompanying the legislation stipulated that "substantially" means that over 51 percent of the final processed product consists of agricultural commodities that were grown domestically. The domestic food industry continues to express concerns that program funds are being used to purchase foreign agricultural products.

Congress attaches to the "Buy American" provision and the role this provision plays in helping to stabilize the American agricultural economy, it is essential that local operators understand the need to ensure that all purchases of agricultural commodities and food products comply with this statutory provision. The provision should be included in bid specifications to ensure compliance. This provision also applies to all funds in the food service account and not just to federal reimbursement.

AC/clg

cc: SNP Staff, Auditors, Denise Roger-Murray