



Food and
Nutrition
Service

DATE: August 15, 2019

Park Office
Center

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SUBJECT: Buy American and the Agriculture Improvement Act of 2018¹

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

This memorandum addresses information in the Agriculture Improvement Act of 2018 regarding the Buy American requirements in the national school meal programs. The Richard B. Russell National School Lunch Act (Section 12(n), 42 USC 1760(n)), requires school food authorities to purchase, to the maximum extent practicable, domestic commodities or products. This provision supports the mission of the Child Nutrition Programs, which is to serve children nutritious meals and support American agriculture.

Section 4207 of the Agriculture Improvement Act of 2018 specifies that, in order to be compliant with the Buy American requirements, agricultural commodities and the products of agricultural commodities shall be processed in the United States and substantially contain meats, vegetables, fruits, fish, and other agricultural commodities produced in the United States or any territory or possession of the United States.

The Act provides clarification on the treatment of harvested fish under the Buy American requirements. In order to be compliant:

- Farmed fish must be harvested within the United States or any territory or possession of the United States.
- Wild caught fish must be harvested within the Exclusive Economic Zone of the United States or by a United States flagged vessel.

The Food and Nutrition Service will continue to provide additional technical assistance and resources on this important provision of the Agriculture Improvement Act of 2018.

¹ Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this memorandum as not a major rule, as defined by 5 U.S.C. § 804(2).

State agencies must distribute this memorandum to Program operators. Program operators with questions should contact their State agency. State agencies with questions may contact the appropriate Food and Nutrition Service Regional Office.

A handwritten signature in dark ink, appearing to read "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial "S" and "H".

for

Sarah E. Smith-Holmes

Director

Program Monitoring and Operational Support

Child Nutrition Programs