



Georgia Department of Education
Office of the State Superintendent of Schools
Twin Towers East
Atlanta, Georgia 30334-5001
Web Page: <http://www.doe.k12.ga.us>
(404) 651-9443 FAX (404) 657-9188
Web Page: <http://www.doe.k12.ga.us/nutrition/scnp.html>

April 22, 2002

Linda C. Schrenko
State Superintendent of Schools

MEMORANDUM

T0: School Nutrition Directors/Purchasing Officers

FROM: Annette Bomar Hopgood, Director
School and Community Nutrition

SUBJECT: Previous USDA SERO Buy American Memo Rescinded

Attached is USDA, Southeast Regional Office (SERO) Policy Memorandum 210.21-14/220.17.01: Buy American Provision. Please note that the attached policy memo rescinds (replaces) only the Policy Memorandum #210.21-08 (CFR 210.21, memo #8, published on September 20, 1999.)

This memo was written only to “reiterate the requirement of the **Buy American** provision of the law.” It also restates that the provision “now applies to all funds in the foodservice account and not just to Federal reimbursement.” In Georgia, we have always considered this applicable to all school nutrition funds.

If you have questions concerning this memo, please contact Dr. Lynn Davis, 404.651.6608 or ldavis@doe.k12.ga.us.

ABH/ah
Attachments
cc: Ms. Eugenia Seay
Dr. Lynn Davis
Area Consultants

Reply to

Attn. of: SERO POLICY

January 23, 2002

Subject: Policy Memoranda 210.21-14 and 220.17-01: Buy American Provision

To: All State Directors

National School Lunch Program (NSLP)

School Breakfast Program (SBP)

Southeast Region

This Policy rescinds 210.21-08 “Buy American Requirement”.

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 produced 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. Regulations implementing these requirements were published on September 20, 1999. Nevertheless, the domestic food industry continues to express concerns that program funds are being used to purchase foreign agricultural products. In response to this concern, report language accompanying the Agriculture Appropriations Act for Fiscal Year 2002 requires the Department to report to Congress on its activities directed toward enforcing the Buy American provision. Therefore, we are writing this memo to reiterate the requirement of the "Buy American" provision of the law.

Given the importance that 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. Local operators must also be aware that, as a result of explicit language also contained in the report noted above, this provision now applies to all funds in the food service account and not just to Federal reimbursement. Please ensure that all local operators are aware of their responsibilities in this respect.

CHARLIE SIMMONS
Regional Director
Special Nutrition Programs