DATE: June 25, 2026

MEMO CODE: SP 09-2026

SUBJECT: Buy American Accommodation Process for School Year 2026-2027

TO: Regional Directors, Child Nutrition Programs, All Regions

State Directors, Child Nutrition Programs, All States

This memorandum provides guidance on the school year (SY) 2026-2027 Buy American accommodation process outlined in 7 CFR 210.21(d)(8) and 7 CFR 220.16(d)(8). The accommodation process provides the State agency the ability to approve temporary relief for school food authorities (SFAs) that demonstrate they cannot meet the thresholds for non-domestic food purchases established in 7 CFR 210.21(d)(5) and 7 CFR 220.16(d)(5).

The Buy American threshold requirement is an important provision that helps implement the mission of the school meal programs specified at Section 2 [42 U.S.C. 1751] of the Richard B. Russell National School Lunch Act, to "…encourage the domestic consumption of nutritious agricultural commodities and other foods…" for school children. As communicated in the Buy American Accommodation Process for School Year 2025-2026 (SP 09-2025), the first threshold limit for non-domestic food purchases was implemented in SY 2025-2026 and was 10 percent of total commercial food

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

expenditures. Non-domestic food purchases made by SFAs could not exceed this annual threshold which was intended to shift more purchases toward domestic products.[1] Domestic products are food products processed in the United States using agricultural commodities that are more than 51 percent domestically grown.[2] For SY 2026-2027, the annual threshold for non-domestic food purchases will continue to be 10 percent of total commercial food expenditures.

There are two regulatory exceptions for non-domestic purchases at 7 CFR 210.21(d)(5) and 7 CFR 220.16(d)(5) which are available for SFAs to use to support non-domestic purchases. The accommodation provision in 7 CFR 210.21(d)(8) and 7 CFR 220.16(d)(8) provides temporary relief from the Buy American threshold as the State agency works with the SFA to increase their domestic purchases. For SY 2026-2027, this accommodation will allow SFAs to exceed the 10 percent threshold.

To ensure a timely and effective provision of relief authorized by program regulations, the Food and Nutrition Administration (FNA) is continuing a streamlined accommodation process for SY 2026-2027 that will allow SFAs to exceed the 10 percent threshold while making progress toward compliance with the Buy American threshold requirement. SFAs seeking a temporary accommodation from the Buy American threshold requirement may complete and submit to their State agency the attached SFA Accommodation Plan SY 2026-2027. State agencies should review complete requests for accommodation in a timely manner and may approve these requests.

---

[1] *See* 7 CFR 210.21(d)(5)(ii)(A) and 7 CFR 220.16(d)(5)(ii)(A).

[2] *See* Section 12(n)(1) of the National School Lunch Act, 42 USC 1760(n)(1) and regulations at 7 CFR 210.21(d)(1)(i) and 7 CFR 220.16(d)(1)(i)

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

State agencies and SFAs should continue to work together on the Buy American requirements through ongoing routine technical assistance and training. State agencies will provide technical assistance to SFAs to support the temporary accommodation consistent with the availability of the two regulatory exceptions for non-domestic purchases, as SFAs demonstrate they are unable to meet the requirement. Temporary accommodation for the threshold requirement is only available for non-domestic purchases that qualify under one or more of the regulatory exceptions.

State agencies should report to their FNA regional offices on a quarterly basis the total number of accommodations requested, the total number approved, and the types of non-domestic food products purchased by SFAs requesting the accommodation. FNA will use that information to better understand SFA challenges in meeting the thresholds for non-domestic food purchases. State agencies should provide this memorandum to all SFAs immediately and direct any questions to the appropriate FNA regional office.

JESSICA SARACINO

Digitally signed by JESSICA SARACINO
Date: 2026.06.25 12:21:24 -04'00'

Jessica Saracino

Acting Associate Administrator
Child Nutrition Programs

Attachment:

SFA Accommodation Plan SY 2026-2027

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

SFA Accommodation Plan SY 2026-2027

Select all categories of food that require accommodation from the threshold requirement (i.e. exceeding 10 percent):

- ☐ Fruits
- ☐ Vegetables
- ☐ Fruit/Vegetable Juices
- ☐ Meats/Meat Alternates
- ☐ Grains (Cereals)
- ☐ Other, please specify: _____

Select all that apply as reasons for the accommodation from the threshold requirement (i.e. exceeding 10 percent):

- ☐ Timing of procurement cycle
- ☐ Student preference/anticipated participation impacts
- ☐ Items that help meet meal standards

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

☐ Items that facilitate meal service models (e.g., grab n' go, Breakfast in the Classroom)

☐ Difficulty in procuring items due to seasonality

☐ Vendor-related issues (e.g., pricing, documentation, and tracking)

☐ Other, please describe:

Briefly describe the anticipated timeline to make modifications to meet the Buy American requirements (This could include timing of calculating the baseline percentage of non-domestic food purchases (or include the baseline percentage, if available), obtaining documentation, and balancing the accommodation and exception process with making menu changes).

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.