



Food and  
Nutrition  
Service

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**DATE:** April 4, 2022

**MEMO CODE:** SP 08-2022, CACFP 07-2022, SFSP 03-2022

**SUBJECT:** Consolidated Appropriations Act, 2022: Effect on Child Nutrition Programs

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Consolidated Appropriations Act, 2022: Effect on Child Nutrition Programs
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<b>Z-RIN:</b>	
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<b>Replaces:</b>	N/A
<b>Summary:</b>	This memorandum provides clarification on how the Consolidated Appropriations Act of 2022, P.L. 117-103, impacts the Child Nutrition Programs.

This memorandum provides notice to Child Nutrition Program (CNP) operators regarding Sections 740, 751, and 752 of Division A of the Consolidated Appropriations Act, 2022 (Public Law 117-103) (the Appropriations Act), enacted on March 15, 2022.

This memorandum applies to State agencies administering, and local organizations operating the Federal CNPs discussed below.

In Section 740, Division A of the Appropriations Act, Congress provides that school food authorities (SFAs) participating in the School Breakfast Program (SBP) may credit any vegetable offered, including potatoes and other starchy vegetables, in place of fruit without including vegetables from other subgroups in the weekly menus. This flexibility is effective for school years (SYs) 2021-2022 and 2022-2023, and provides additional flexibility in planning breakfast menus, but does not require SFAs to make any menu changes.

In Section 751, of Division A of the Appropriations Act, Congress provides that funds made available by the Appropriations Act cannot be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in all CNPs. Consistent with the terms of the Appropriations Act, this memorandum provides notice to CNP operators that Program funds may not be used to procure raw or processed poultry products from the People's Republic of China. This extends the existing prohibition through September 30, 2022.

Under Section 752, of Division A of the Appropriations Act, for SY 2022-2023, only an SFA that had a negative balance in the nonprofit school food service account as of December 31, 2021, shall be required to establish a price for paid lunches served through the National School Lunch Program (NSLP) in accordance with section 12(p) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(p)). FNS will be providing additional guidance for SFAs that are required to comply with the paid lunch equity provision during SY 2022-2023.

Absent from this Appropriations Act is a provision stating that none of the funds made available by the Appropriations Act or any other act may be used to restrict the offering of low-fat (1% fat) flavored milk in the NSLP and SBP, as was included in Section 789, Division A of the Consolidated Appropriations Act, 2021 and extended several times during SY 2021-2022. However, low fat flavored milk may continue to be served as outlined in the [Nationwide Waiver to Allow Specific School Meal Pattern Flexibility for School Year 2021-2022 | Food and Nutrition Service \(usda.gov\)](#). Beginning July 1, 2022, the transitional meal pattern standards go into effect, allowing low-fat flavored milk to be offered in both the NSLP and SBP, as well as in the Child and Adult Care Food Program and the Special Milk Program for children 6 and older. For more information about the Transitional Standards for Milk, Whole Grains and Sodium, please visit [Nutrition Standards for School Meals | Food and Nutrition Service \(usda.gov\)](#).

The Food and Nutrition Service (FNS) appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of children during this challenging time. State agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

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