



Appropriations Act Effect on Child Nutrition Programs

Legal Authority

USDA Policy Memoranda SP 05-2026, CACFP 03-2026, SFSP 03-2026

Program Requirements

This memorandum provides notice to Child Nutrition Program (CNP) operators regarding the Continuing Appropriations, Agriculture, Legislative Branch, Military Construction and Veterans Affairs, and Extensions Act, 2026 ([Public Law 119-37](#), the 2026 Appropriations Act), enacted on November 12, 2025. This memorandum applies to State agencies administering, and local organizations operating, the U.S. Department of Agriculture (USDA), Food and Nutrition Service (FNS) CNPs.

Crediting of Vegetables at Breakfast

Section 736, of Division B of the 2026 Appropriations Act, allows school food authorities (SFAs) participating in the School Breakfast Program (SBP) to credit any vegetable offered in place of fruit without including vegetables from other subgroups in the weekly menus. This provision is effective for the remainder of school year (SY) 2025-2026 and for SY 2026-2027 and restricts USDA from enforcing vegetable variety requirements at breakfast when this flexibility is used. SFAs are not required to make any breakfast menu changes.

USDA continues to encourage Program operators to include a variety of vegetables at breakfast when using this optional menu planning flexibility to expose children to the nutrients that come from a variety of vegetables.

Prohibition on the Use of Chicken and Seafood from China

Under Section 742, of Division B of the 2026 Appropriations Act, Program funds may not be used to procure raw or processed poultry or seafood products imported into the United States from the People's Republic of China. This prohibition applies to all CNPs and remains effective through September 30, 2026.

Compliance with Paid Lunch Equity (PLE) Requirements

Under Section 743, of Division B of the 2026 Appropriations Act, for SY 2026-2027, only SFAs that had a negative balance in the nonprofit school food service account as of June 30, 2025, shall be required to establish a price for paid lunches according to the PLE provisions in Section 12(p) of the Richard B. Russell National School Lunch Act (NSLA) [\[42 U.S.C. 1760\(p\)\]](#) and implemented in the National School Lunch Program regulations at [7 CFR 210.14\(e\)](#). This means that any SFA with a positive or zero balance in its nonprofit school food service account as of June 30, 2025, is exempt from PLE pricing requirements found at [7 CFR 210.14\(e\)](#) for SY 2026-2027. USDA will provide additional guidance for SFAs that are required to comply with the paid lunch equity provision during SY 2026-2027.

Food Safety Inspection Reports

Under Division B of the 2026 Appropriations Act, Section 9(h)(3) of the NSLA [\[42 USC 1758\(h\)\(3\)\]](#) is amended to require State agencies to report the number of annual food safety inspections obtained by schools under their jurisdiction to FNS for SY 2025-2026. At least twice during the school year, schools must obtain a food safety inspection conducted by a State or local governmental agency responsible for the inspections.

State agencies must collect information on the total number of inspections conducted in food preparation and/or service areas. The inspection report should state the total number of schools that obtained zero inspections, one inspection, two inspections, and three or more inspections. State agencies are encouraged to use the prototype form, which is available in the Food Safety folder in the Resources and Guidance document library of the CND Policy and Memoranda Community in PartnerWeb.

State agencies are reminded to distribute this information to Program operators immediately. Program operators should direct any questions regarding this memorandum to the appropriate State agency. State agencies should direct questions to the appropriate FNS Regional Office.

Note: 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.

Comments

Please find attached the original version of this USDA memorandum. For questions concerning this memorandum, please contact the Policy Administrator at (404) 651-8193.

Attachments

 [2026 Appropriations Act_Effect on Child Nutrition Programs.pdf](#)