United States Department of Agriculture

Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place
Alexandria VA 22314

DATE: August 31, 2020

CODE: COVID–19: Child Nutrition Response #54

SUBJECT: Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 4[1]

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option – EXTENSION 4
Document ID:	
Z-RIN:	
Date of Issuance:	August 31, 2020
Replaces:	N/A
Summary:	(1) Under this waiver, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators may provide non-congregate meals during COVID–19-related operations. This waiver extends the nationwide waiver to allow non-congregate feeding in the Summer Food Service Program granted on August 20, 2020 that expires on September 30, 2020. (2) This waiver applies to State agencies administering, and local organizations operating the Summer Food Service Program and the National School Lunch Program Seamless Summer Option. (3) This document relates to 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6(e)(15).
Disclaimer:	**The contents of this guidance document have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127).**

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127) and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access to

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

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nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–19). This waiver extends the *Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program- EXTENSION*—granted on August 20, 2020, which expires on September 30, 2020— through December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020*. This waiver extension applies to the Summer Food Service Program (SFSP) and the National School Lunch Program (NSLP) Seamless Summer Option (SSO).

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver for all States for the purposes of providing meals under the Child Nutrition Programs, with appropriate safety measures, as determined by the Secretary.

Under the Richard B. Russell National School Lunch Act at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and Program regulations at 7 CFR 225.6(e)(15), SFSP and SSO meals must be served in a congregate setting and must be consumed by participants on site. However, FNS recognizes that in this public health emergency, waiving the congregate meal requirements is vital to ensure appropriate safety measures for the purpose of providing meals and meal supplements.

Therefore, pursuant to the FFCRA authority cited above, FNS waives, for all States, the requirements at 42 U.S.C. 1753(b)(1)(A), 42 U.S.C. 1761(a)(1)(D) and 7 CFR 225.6(e)(15) to serve meals through the SFSP and SSO in a congregate setting. Any other requirements referenced in these provisions remain in effect. This waiver is effective immediately, supersedes the previous extension, and remains in effect through December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020.*

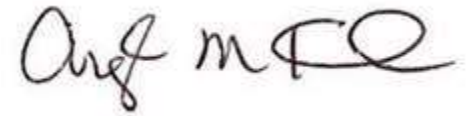
Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. If the State agency elects to implement these flexibilities, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner. Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

As required by section 2202(d), each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver resulted in improved services to Program participants.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,



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