



Food and
Nutrition
Service

Braddock
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DATE: June 30, 2022

CODE: COVID-19: Child Nutrition Response #109

SUBJECT: Nationwide Waiver to Allow Summer Food Service Program Reimbursement Rates for the Seamless Summer Option in Summer 2022

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 Summer Food Service Program Reimbursement Rates for the Seamless Summer Option in Summer 2022
Document ID:	
Z-RIN:	
Date of Issuance:	June 30, 2022
Replaces:	N/A
Summary:	(1) This waiver allows school food authorities to claim National School Lunch Program Seamless Summer Option meals and snacks at the Summer Food Service Program reimbursement rates through September 30, 2022. (2) This waiver applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option in summer 2022. (3) This document relates to 42 U.S.C. 1761(b)(1)(C).
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as amended.

Pursuant to Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as amended, and based on the exceptional circumstances of the COVID-19 pandemic, the Food and Nutrition Service (FNS) is establishing a nationwide waiver to allow school food authorities to claim National School Lunch Program Seamless Summer Option (SSO) meals and snacks at the applicable Summer Food Service Program (SFSP) reimbursement rates in summer 2022. This waiver will ensure continuity of program operations and access to nutritious meals for program participants this summer.

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 or to ensure continuity of program operations.

Under the National School Lunch Act, 42 U.S.C.1761(b)(1)(C), school food authorities operating SSO are reimbursed for meals and snacks at rates in accordance with those of the National School Lunch Program and School Breakfast Program. SSO meals and snacks are excluded from using the SFSP reimbursement rates. However, FNS recognizes that State agencies and local Program operators have incurred significant costs during COVID-19 operations and continue to need additional support and flexibility to ensure continuity of program operations that provide access to meals for children while managing the impacts of COVID-19.

Therefore, pursuant to the waiver authority cited above, FNS waives, for all States, the requirement at 42 U.S.C. 1761(b)(1)(C) that reimbursements for SSO meals and snacks shall not be paid at the SFSP reimbursement rates. For summer 2022, FNS establishes the payment rates for SSO meals and snacks at the level of reimbursement paid for SFSP meals and snacks, in accordance with the provisions of 42 U.S.C. 1761(b)(1)(A) and (B) of the National School Lunch Act. This waiver is effective immediately and remains in effect through September 30, 2022. States and program operators are advised that the SSO may only be operated during traditional summer vacation periods and, for year-round schools, during school vacation periods longer than 10 school days, consistent with 42 USC 1761(a)(8). The nationwide waiver¹ allowing SSO to operate when school is open during the regular school year expires June 30, 2022.

Consistent with Section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. State agencies must elect to be subject to this waiver in order to use it. State agencies must inform their FNS Regional Office if they elect to be subject to the waiver. If the State agency elects to implement this waiver, it must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies should inform school food authorities of the flexibilities provided by this waiver as quickly as possible,² and work in partnership with school food authorities to provide meals to all participants in an accessible manner.

As required by Section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than one year after the date such State elected to receive the waiver.³ The report must include a summary of the use of this waiver by the State agency and local Program operators.

¹ COVID-19: Child Nutrition Response #85, *Nationwide Waiver to Allow the Seamless Summer Option through School Year 2021-22*, published April 20, 2021. <https://www.fns.usda.gov/cn/covid-19-child-nutrition-response-85>

² The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

³ FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.

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

Sincerely,

J. Kevin Maskornick
Director
Community Meals Policy Division