



Food and
Nutrition
Service

Braddock
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DATE: March 9, 2021

CODE: COVID-19: Child Nutrition Response #75

SUBJECT: Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2021 Operations – EXTENSION 6¹

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 for Summer 2021 Operations – EXTENSION 6
Document ID:	
Z-RIN:	
Date of Issuance:	March 9, 2021
Replaces:	N/A
Summary:	(1) Under this extension, 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 and National School Lunch Program Seamless Summer Option granted on October 9, 2020, that expires on June 30, 2021—through September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the Summer Food Service Program and the National School Lunch Program Seamless Summer Option during Summer 2021. (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), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), unless otherwise provided.

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).

Pursuant to the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), 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 nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–19) this summer. This waiver extends the *Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION 5*—granted on October 9, 2020, which expires on June 30, 2021—through September 30, 2021. This extension applies to the Summer Food Service Program (SFSP) and FNS is extending this flexibility to the National School Lunch Program 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), 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 during the upcoming summer months.

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 in a congregate setting this summer. Any other requirements referenced in these provisions remain in effect. This extension is effective July 1, 2021, and remains in effect through September 30, 2021. FNS also extends these non-congregate feeding flexibilities to SSO operations for the duration of this waiver.

Consistent with Section 2202(a)(2) of the FFCRA, this extension 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. However, to use these flexibilities, SFSP and SSO operators must contact the State agency for approval and provide the State agency any necessary information to complete the report requirements discussed below. State agencies should inform local Program operators of these flexibilities as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner. Prior elections and approvals will continue under this extension; no further action is needed.

As required by Section 2202(d), each State that elects the non-congregate feeding flexibilities must submit a report to the Secretary not later than 1 year after the date such State received the extension. The report must include:

- A summary of the use of this extension by the State agency and local Program operators, and
- A description of whether and how this extension 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,

A handwritten signature in black ink, appearing to read "Ang M Kline". The signature is written in a cursive, flowing style.

Angela M. Kline
Director
Policy and Program Development Division