



Food and  
Nutrition  
Service

May 12, 2022

Dear State Agency Partners:

Braddock  
Metro Center

1320 Braddock  
Place  
Alexandria, VA  
22314

As you know, the statutory authority that allowed FNS to provide extensive flexibility in the Child Nutrition Programs (CNPs) has not been extended for the coming school year SY2022-23. To support State agencies and program operators as they transition back to standard program operations while continuing to manage challenges associated with the pandemic, FNS is working both internally and with other Federal agencies to pursue strategies within existing authorities and available resources. These efforts have been directly informed by state and local feedback on priority needs in the absence of nationwide waivers in the CNPs. With that in mind, we have identified Federal resources which are available and may provide additional funding for States, Tribal governments, and local partners, as part of federal funding and authorities provided in the March 2021, American Rescue Plan Act of 2021, P.L. 117-2 (the Act).

The Act provided significant federal funding aimed at supporting the Nation's response to and recovery from the COVID-19 public health emergency. This includes funding administered by the U.S. Department of the Treasury (Treasury) and the U.S. Department of Education (ED), which State, Tribal, and local governments, and local education agencies (LEAs) may use to support CNPs and schools. In general, State, territorial, Tribal, and local governments may use federal funds in the response to and recovery from the COVID-19 public health emergency. Treasury's Coronavirus State and Local Fiscal Recovery Fund (SLFRF) is generally available for obligation by recipients through 2024 and must be expended by 2026, while some ED funds, including ESSER, are available for obligation through September 2023 and others through September 2024.

We strongly encourage State, territorial, Tribal, and local governments to consult their peers and leaders responsible for obligation and expenditure of Treasury and ED funds to determine how federal funding may be used to support CNPs and schools as soon as possible. Most States have begun to budget, obligate, and expend these federal funds (e.g., ED funds have been distributed by State agencies to the local education agencies (LEAs) participating in CNPs).

Federal funding opportunities made available in the Act, which may be available to support CNP and schools, are described below. FNS encourages CNP administering agencies to collaborate with their State and local counterparts responsible for the management of SLFRF and American Rescue Plan Elementary and Secondary School Emergency Relief (ESSER) funds. FNS remains available to support State, Tribal, and local governments as they assess options in using those funds to support the Child Nutrition Programs and schools.

#### Treasury Coronavirus State and Local Fiscal Recovery Fund (SLFRF):

- provided \$350 billion in funds to State, territorial, Tribal, and local governments to support their response to and recovery from the COVID-19 public health emergency;
- may be used to fight the pandemic and support families and businesses struggling with its public health and economic impacts, maintain vital services even amid declines in revenue resulting from the crisis, and build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity;
- enumerates food assistance, including food assistance delivered through child nutrition programs like school meals, as an eligible for funding support in response to impacts of the pandemic on households and communities; and
- may be used to provide premium pay to eligible workers performing essential work, including educational, school nutrition, and other workers required to operate a school facility.
  - More information on the SLFRF may be found in the following documents, which include the homepage of the SLFRF program, the final rule, and an overview of the final rule.
- [Coronavirus State and Local Fiscal Recovery Funds | U.S. Department of the Treasury](#)
- [Coronavirus State and Local Fiscal Recovery Funds: Final Rule](#)
- [Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule](#)

#### ED American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER):

- provided \$122 billion in funds to States, Tribal Organizations, and local providers to help safely reopen State educational agencies and schools and to sustain the safe operation of schools in response to the COVID-19 public health emergency;
- required States to submit to ED plans for use of the ARP ESSER funds, which for CNP and school purposes may include:
  - equipment improvements such as food truck purchase and operations for school meal service and delivery;
  - installation of Wi-Fi and mobile hotspots in food trucks and buses delivering school meals;
  - expansion of indoor seating and outdoor seating at schools to maximize social distancing; and,
  - additional duty bonuses for staff making meal deliveries to schools on Saturdays.

More information on the ARP ESSER essential criteria to be included in States' plans, including the permissible purposes for the use of those funds, were published by the U.S. Department of Education Office of Elementary and Secondary Education in interim final regulations on April 22, 2021 (86 FR 21195) may be found at the following links:

- [Federal Register: American Rescue Plan Act Elementary and Secondary School Emergency Relief Fund](#)
- [COVID-19 Handbook, Volume 2](#)
- [Use of Funds to Prevent, Prepare for, and Respond to the COVID-19 Pandemic](#)
- [Lesson from the Field Webinar- Supporting Student Health Through School Nutrition](#)

ED also includes funding available to support the response to the COVID-19 public health emergency, funds that are traditionally available through the Governors Emergency Education Relief (GEER) Programs. Purposes and options for use of the GEER Program funds and the ARP ESSER funds may be found at the following link: [ESSER/GEER FAQs.](#)

Sincerely,

**Original Signed**

Cynthia Long  
Administrator  
Food and Nutrition Service  
U.S. Department of Agriculture