



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

**DATE:** June 30, 2022

**CODE:** COVID-19: Child Nutrition Response #107

**SUBJECT:** Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations – EXTENSION 5

**TO:** Regional Directors  
Special Nutrition Programs  
All Regions

State Directors  
Child Nutrition Programs  
All States

<b>Issuing Agency/Office:</b>	FNS/Child Nutrition Programs
<b>Title of Document:</b>	Nationwide Waiver to Extend Area Eligibility Waivers for Summer 2022 Operations – EXTENSION 5
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	June 30, 2022
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) This waiver extends until September 30, 2022, the Nationwide Waiver to Extend Area Eligibility Waivers – Extension 4 granted on March 9, 2021 that expired on September 30, 2021. (2) This waiver and flexibilities apply to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2022. (3) This document relates to 42 U.S.C. 1761(a)(1)(A)(i) and 7 CFR 225.2, 225.6(c)(2)(i)(G), 225.6(c)(3)(i)(B), 225.6(d)(1)(i), 225.14(c)(3), and 225.16(b)(4).
<b>Disclaimer:</b>	<b>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 amended, unless otherwise provided.</b>

Pursuant to the authority in 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 extending a nationwide waiver for area eligibility for the purposes of providing meals under the Child Nutrition Programs and to ensure continuity of program operations. This waiver extends the *Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 4* – granted on March 9, 2021, that expired on 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) until September 30, 2022.

Section 2202(a) of the FFCRA permits the Secretary of Agriculture to establish a waiver, due to the COVID-19 pandemic, for all States for purposes of providing meals or to ensure continuity of

program operations under the Child Nutrition Programs. FNS recognizes that State agencies and local Program operators continue to need additional support and flexibility to serve meals to children in need while managing the impacts of COVID–19. SFSP and SSO operators recognize the need to modify summer feeding models to ensure the provisions of meals or continuity of program operations. This extension eases administrative burdens and provides for greater access to meals this summer.

Therefore, pursuant to the FFCRA authority cited above, FNS extends the ability for States to continue operating open sites in areas that are not located in “*Areas in which poor economic conditions exist*,” as defined at section 13(a)(1)(A) of the Richard B. Russell National School Lunch Act (NSLA) and as referenced at 42 U.S.C. 1761(a)(1)(A)(i) and in regulation at 7 CFR 225.2, 7 CFR 225.6(c)(2)(i)(G), 7 CFR 225.6(c)(3)(i)(B), 7 CFR 225.6(d)(1)(i), 225.14(c)(3), and 7 CFR 225.16(b)(4). This extension is effective immediately and remains in effect through September 30, 2022. FNS also extends area eligibility 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. This extension may apply to any site operating under a State area eligibility plan. If the State agency elects to implement this extension, it must notify its respective FNS Regional Office, which will acknowledge receipt. 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. State agencies must continue their plan for ensuring that meal sites are targeting benefits to children in need, for example, children who may be eligible for benefits due to the economic impacts of COVID–19. State agencies should work with local Program operators in developing their plans as local Program operators are best situated to determine how to provide these assurances.

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

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