



Food and
Nutrition
Service

Braddock
Metro Center

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Place
Alexandria
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DATE: July 6, 2022

CODE: COVID-19: Child Nutrition Response #111

SUBJECT: Nationwide Waiver to Allow Non-Congregate Feeding for Summer 2022 Operations – EXTENSION 7

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 2022 Operations – EXTENSION 7
Document ID:	
Z-RIN:	
Date of Issuance:	July 6, 2022
Replaces:	N/A
Summary:	(1) Under this extension, Summer Food Service Program and National School Lunch Program Seamless Summer Option operators in States that elect to be subject to this waiver may provide non-congregate meals through September 30, 2022. 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 March 9, 2021, that expired September 30, 2021, through September 30, 2022. (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 2022. (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 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, unless otherwise provided.

Pursuant to 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 to allow non-congregate meal service in the Summer Food Service Program (SFSP) and the National School Lunch Program Seamless Summer Option (SSO) through September 30, 2022. This waiver extends for Summer 2022 the *Nationwide Waiver to Allow Non-congregate Feeding in the Summer Food Service Program and the National School Lunch Program Seamless Summer Option - EXTENSION 6*—granted March 9, 2021, which expired September 30, 2021— through September 30, 2022. 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 or to ensure continuity of program operations. 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, due to the broad impacts of COVID-19 and the ongoing public health emergency, State agencies and local Program operators need additional support and flexibility to maintain continuity of Program operations and ensure they can maximize the provision of meals for children.

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 immediately and remains in effect through September 30, 2022. 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. Although this is an extension of a prior waiver, any State agency electing to implement these flexibilities for summer 2022 must notify its respective FNS Regional Office, which will acknowledge receipt. State agencies that have already received an SFSP waiver allowing non-congregate meal service through section 12(l) of the NSLA may elect to be covered by this nationwide waiver in place of their 12(l) waivers. FNS will consider any state election to participate under this nationwide waiver as a request to withdraw the Section 12(l) waiver of 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 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 an accessible manner.

As required by Section 2202(d), each State that elects the non-congregate feeding flexibilities must submit a report to the Secretary no later than one 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.

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