



Food and
Nutrition
Service

DATE: March 9, 2021
CODE: COVID-19: Child Nutrition Response #77

Braddock
Metro Center

SUBJECT: Nationwide Waiver to Extend Area Eligibility Waivers for
Summer 2021 Operations – EXTENSION 4¹

1320
Braddock
Place
Alexandria
VA 22314

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 Extend Area Eligibility Waivers for Summer 2021 Operations – EXTENSION 4
Document ID:	
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Date of Issuance:	March 9, 2021
Replaces:	N/A
Summary:	(1) This waiver extends until September 30, 2021, the Nationwide Waiver to Extend Area Eligibility Waivers – Extension 3 granted on October 9, 2020 that expires on June 30, 2021. (2) This waiver and flexibilities applies to State agencies administering, and local organizations operating, the National School Lunch Program Seamless Summer Option and the Summer Food Service Program during Summer 2021. (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).
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.

Pursuant to the authority in Section 2202(a) of 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

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).

circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver for area eligibility to continue supporting access to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID–19) this summer. This waiver extends the *Nationwide Waiver to Extend Area Eligibility Waivers – EXTENSION 3* – granted on October 9, 2020, that 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.

Area eligibility waivers already in place facilitate the provision of meals to children in need during the challenges faced by Americans as a result of hardships due to COVID–19. Across the Nation, schools and community organizations have used this flexibility to provide meals to children during the public health emergency. 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 safety of children and operators. 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 July 1, 2021 and remains in effect through September 30, 2021. 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 1 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,
- A summary of how new meal sites were targeted to benefits for children who were previously eligible or newly eligible for program benefits due to the economic impacts of COVID-19, 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,

Original Signed

Angela M. Kline

Director

Policy and Program Development Division