



Food and
Nutrition
Service

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Center

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DATE: May 24, 2018

MEMO CODE: SFSP 06-2018

SUBJECT: Summer Food Service Program Memoranda Rescission: SFSP 01-2007 and SFSP 06-2015

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

The purpose of this memorandum is to provide guidance for State agencies and Program operators on the status of nationwide waivers of statutory and regulatory requirements in the Summer Food Service Program (SFSP).

In 2017, the USDA Office of the Inspector General (OIG) conducted a review of USDA Food and Nutrition Service's (FNS) controls over SFSP. In response to the OIG Audit Report "FNS Controls Over Summer Food Service Program" (27601-0004-41) published on March 27, 2018, FNS agreed to work with the Office of the General Counsel (OGC) to assess whether current nationwide waivers issued through policy memoranda are in compliance with the statutory waiver authority requirements set forth in Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA), 42 U.S.C. 1760(l).

As part of this ongoing review, FNS concluded that the following policy memoranda waived SFSP requirements in a manner not fully consistent with all requirements as outlined in section 12(l) of the NSLA and are not in the best interest of the SFSP. Therefore, to strengthen integrity in SFSP, FNS is rescinding the specified waivers of SFSP statutory and regulatory requirements contained in the following memoranda, effective immediately:

1. SFSP 01-2007, *Summer Food Service Program (SFSP) – Exceptions to Approving Sponsors Prior to Program Operations (Update)*, January 19, 2007
 - Waived regulatory requirement at 7 CFR 225.9(d) that reimbursements shall not be paid for meals served prior to approval of a sponsor's application.

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2. SFSP 06-2015, *Categorical Eligibility in the Summer Food Service Program*, December 8, 2014
 - Extended categorical eligibility to Job Training Partnership Act (JTPA)/Workforce Investment Act (WIA) participants age 18 or younger.

FNS will continue to carefully review and monitor other policy memoranda to ensure that they are consistent with statutory and regulatory requirements and also support SFSP integrity. As part of this review process, and to provide better customer service to State agencies and sponsors, FNS will identify those that should be incorporated into SFSP regulations through notice and comment rulemaking. The goal of any rulemaking would be to provide administrative flexibilities to State agencies and sponsors that operate SFSP.

State agencies are reminded to distribute this memorandum to Program operators. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Original Signed

Angela Kline

Director

Policy and Program Development Division

Child Nutrition Programs