



Food and  
Nutrition  
Service

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DATE: August 31, 2020

CODE: COVID-19: Child Nutrition Response #49

SUBJECT: Nationwide Waiver to Waive First Week Site Visits in the Summer Food Service Program - EXTENSION<sup>1</sup>

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 Waive First Week Site Visits in the Summer Food Service Program - EXTENSION
<b>Document ID:</b>	
<b>Z-RIN:</b>	
<b>Date of Issuance:</b>	August 31, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	(1) FNS waives, for all States, the requirement that Summer Food Service Program (SFSP) sponsors are required to visit each of their sites at least once during the first week of operation. (2) This waiver applies to State agencies administering and local organizations that have operated the SFSP successfully in the previous year, and SFSP sponsors in good standing that have successfully participated in the Child and Adult Care Food Program (CACFP) or the National School Lunch Program (NSLP). (3) This document relates to 7 CFR 225.15(d)(2).
<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).</b>

Pursuant to the Families First Coronavirus Response Act (the FFCRA ) (P.L. 116-127), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is extending a nationwide waiver to support access

<sup>1</sup> 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).

to nutritious meals while minimizing potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver of First Week Site Visits in the Summer Food Service Program* – granted on April 21, 2020, that expires on September 30, 2020 – through December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Options through December 2020*. This waiver extension applies to the Summer Food Service Program (SFSP).

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.

Under Program regulations at 7 CFR 225.15(d)(2), SFSP sponsors are required to visit each of their sites at least once during the first week of operation under the program. However, FNS recognizes that in this public health emergency, continuing the waiver of first week site visits would reduce administrative burden on State agencies and sponsors and would ensure appropriate social distancing safety measures for the purpose of providing meals and meal supplements.

Therefore, pursuant to the FFCRA authority cited above, FNS extends, for all States that elect to be subject to this waiver, the waiver of those requirements at 7 CFR 225.15(d)(2), which require sponsors to visit each of their sites at least once during the first week of operation under the program, for sites that have operated successfully in the previous year and sponsors that successfully participate in the CACFP or the NSLP. This waiver is effective immediately, supersedes the previous extension, and remains in effect until December 31, 2020, in conjunction with the *Nationwide Waiver to Allow Summer Food Service Program and Seamless Summer Option Operations through December 2020*.

Consistent with section 2202(a)(2) of the FFCRA, this waiver applies automatically to all States that elect to use it, without further application. State agencies must inform their Regional Office if they elect to be subject to the waiver. State agencies should inform local Program operators of the flexibilities provided by this waiver as quickly as possible, and work in partnership with local operators to provide meals to all participants in a safe and accessible manner.

Please note, State agencies that have already received a traditional SFSP waiver of the first week site visit requirements may elect to be covered by this nationwide waiver during the COVID-19 emergency, in place of their traditional waiver. As previously determined, the traditional SFSP waivers will remain in effect through April 30, 2022, or until FNS publishes a final regulation that supersedes the approval, whichever comes first. Therefore, there is no need for State agencies to withdraw those requests or resubmit a request.

As required by section 2202(d) of the FFCRA, each State that elects to be subject to this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver. The report must include:

- A summary of the use of this waiver by the State agency and local Program operators, and
- A description of whether and how this waiver 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,

A handwritten signature in black ink, appearing to read "Angela M. Kline". The signature is fluid and cursive, with the first name being the most prominent.

Angela M. Kline  
Director  
Policy and Program Development Division