



Food and
Nutrition
Service

Braddock
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DATE: April 1, 2020

CODE: COVID-19: Child Nutrition Response #12

SUBJECT: Nationwide Waiver of 60 Day Reporting Requirements for January and February 2020¹

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 of 60 Day Reporting Requirement for January and February 2020
Document ID:	
Z-RIN:	
Date of Issuance:	April 1, 2020
Replaces:	N/A
Summary:	FNS waives, for all State agencies, school food authorities, and CACFP and SFSP sponsoring organizations, the 60 day claims for reimbursement deadlines as set forth in the National School Lunch Act, Section 12(j) and further in federal regulations at 7 CFR 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e). This waiver only applies for claims covering operations in the months of January and February 2020 and is effective immediately.
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).

Pursuant to the COVID–19 Child Nutrition Response Act (the Act) (H.R. 6201, Title II), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is granting a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver applies to the National School Lunch Program (NSLP), the School Breakfast Program (SBP), the Child and Adult Food Care Program (CACFP), and the Summer Food Service Program (SFSP).

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).

Section 2202(a) of the Act 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 statute and regulations, claims for reimbursement must be postmarked or submitted to the State agency no more than 60 days after the last day of the month covered by the claim. However, FNS recognizes that during this public health emergency, extensions of these deadlines will grant critical flexibility to State and local agencies as they prioritize the service of safe, accessible meals to eligible populations. Additionally, with many program operators shifting their procedures in order to ensure an effective emergency response, timely, accurate submission of these reports may not be possible in some instances.

Therefore, FNS waives, for all State agencies, school food authorities, and CACFP and SFSP sponsoring organizations, the 60 day claims for reimbursement deadlines as set forth in the National School Lunch Act, Section 12(j) and further in federal regulations at 7 CFR 210.8(b)(1), 220.11(b), 225.9(d)(6), and 226.10(e). This waiver shall only apply for claims covering operations in the months of January and February 2020. Deadlines for these two claims months are extended for 30 calendar days from their original required date of submission. This waiver is effective immediately. Please note that States should encourage their program operators to continue to complete their 60 day reporting requirements in a timely fashion in cases where waiver flexibility is not needed, and to the extent practicable.

Consistent with section 2202(a)(2) of the Act, this waiver applies automatically to all States and local operators that elect to use it, without further application. State agencies must inform their FNS 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 ensure their safety.

As required by section 2202(d), each State or sponsoring organization that implements this waiver must submit a report to the Secretary not later than 1 year after the date such State received the waiver that includes:

- A summary of the use of this waiver by the State agency and local program operators, and
- A description of whether this waiver resulted in improved services to children.

FNS stands ready to provide assistance to areas impacted by COVID-19, and intends to issue additional nationwide waivers to support access to nutritious meals during this public health emergency.

FNS appreciates the exceptional effort of State agencies and local Program operators working to meet the nutritional needs of child and adult participants during a challenging time. State agencies should direct questions to the appropriate FNS Regional Office.

Sincerely,

A handwritten signature in black ink that reads "Sarah E. Smith-Holmes". The signature is written in a cursive style with a large initial 'S'.

Sarah Smith-Holmes
Director
Program Monitoring and Operational Support Division