

# Congress of the United States

Washington, D.C. 20515

August 21, 2020

The Honorable Sonny Perdue  
Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250

Dear Secretary Perdue,

We respectfully request your consideration of the continued use of the United States Department of Agriculture's (USDA) child nutrition waiver authority by schools, and non-school sponsoring organizations, to provide healthy meals to children in need through various child nutrition programs. Additionally, we request your full and fair consideration of using existing authorities to grant flexibilities that maximize the ability to feed children as we continue to see the implications of COVID-19 in our schools and local communities, particularly as they look to reopen.

As schools finalize their 2020-2021 school year learning models, we continue to see a large percentage of schools across the United States move into blended models of hybrid, virtual, and in-person learning, and many are beginning the year entirely remote. We are already seeing a substantial decrease in nutrition program participation in our local school districts that have resumed classes and are having to follow the normal rules without the waivers and flexibilities.

We appreciate the USDA's readiness at the start of the pandemic to provide schools and non-school sponsoring organizations with flexibility to ensure access to healthy school meals while easing the administrative burden on school and school administrators. Additionally, we appreciate the Department's attention to this issue in providing several nationwide school meal program waivers through the 2020-2021 school year allowing for non-congregate feeding, meal pick up, along with meal time and meal pattern flexibility.

We believe that continued waiver authority that provides maximum flexibility to accommodate the unique needs of each school is critical to maximize the reach for feeding children in need. These flexibilities will enable our local schools to maintain proper social distancing protocols that prioritize safety and minimize the potential spread of the novel coronavirus, while ensuring that children have the proper nutrition to help them learn and succeed.

We support the following waivers:

- Extending all waivers for the Summer Food Service Programs (SFSP) through the 2020-2021 school year.
- Allowing schools and non-school sponsoring organizations to utilize the summer meals programs, SFSP and the Summer Seamless Option (SSO), throughout the 2020-2021 school year in order to serve all children without having to certify the eligibility of each individual child.

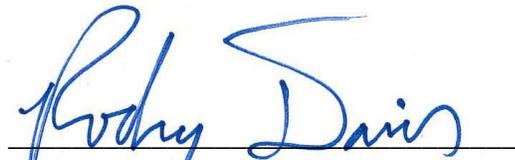
- Waiving the enrichment activity requirement to allow schools and non-profit community partners to serve afterschool meals and snacks under the Child and Adult Care Food Program (CACFP) At-Risk Afterschool Program or the National School Lunch Program (NSLP) Afterschool Snack Program even when activities are cancelled or remote.
- Making all CACFP day care homes eligible for reimbursement at the Tier 1 level.

Additionally, we recognize that while there may be sufficient authority to grant several of the requested waivers, they may necessitate additional funding, therefore we respectfully request the following information:

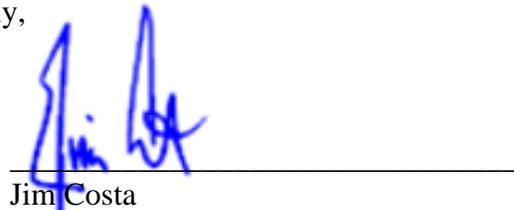
- The estimated cost of extending each of these waivers through the entirety of 2020-2021 school year.
- The amount of funds remaining provided by The Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) in the original amount of \$8,800,000,000 authorized for Child Nutrition Programs.
- The amount of remaining annual funds from Fiscal Year 2020 Child Nutrition Programs as a result of decreased meal service in both the National School Lunch and School Breakfast Programs from the onset of the COVID-19 pandemic this Spring.
- Whether the Department believes that the authority granted by Congress in Section 2102 of the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127), which states that USDA may grant a qualified COVID-19 nutrition waiver that increases Federal costs, provides sufficient authority to grant these waivers absent additional appropriations.

The availability of meals for students is an important factor in the decision-making process for many families. For schools that have already restarted, the need for more options is urgent. It is critical that we act now to restore or preserve access to nutritious meals for children across the country. We stand ready to work with you on common-sense solutions to ensure that we prioritize the health, safety and wellbeing of the most vulnerable families in our communities. We appreciate your consideration of this request and thank you in advance for providing the requested information.

Sincerely,



Rodney Davis  
Member of Congress



Jim Costa  
Member of Congress