



Office of the Secretary  
Washington, DC 20250

June 3, 2024

THE HONORABLE JOHN BOOZMAN  
*Ranking Member*  
*Committee on Agriculture, Nutrition, and Forestry*  
*United States Senate*  
*328A Russell Senate Office Building*  
*Washington, DC 20510*

Dear Ranking Member Boozman:

Section 12(l) of the National School Lunch Act (NSLA) (42 U.S.C. 1760(l)) provides the Secretary of Agriculture with authority to waive requirements under the NSLA or the Child Nutrition Act of 1966, as well as regulations issued under either Act, for a State or local entity that requests a waiver. The Secretary is required to submit to Congress an annual report that:

- summarizes the use of waivers by State and local entities;
- describes whether the waivers resulted in improved services to children;
- describes the impact of the waivers on providing nutritional meals to participants; and
- describes how the waivers reduced the quantity of paperwork necessary to administer the program.

A report of this waiver activity is attached; this report summarizes the waiver requests, USDA responses, and the overall impact of the waiver provisions.

Statutory authority requires that, to approve waiver requests, the Secretary must determine that the waiver facilitates the ability of the State or local entity to carry out the purpose of the Child Nutrition Program in question. Additionally, the State or local entity requesting the waiver must provide assurance that the waiver will not increase the overall cost of the program to the Federal Government. The statute details program aspects for which waivers may not be granted. These aspects include:

- the nutritional content of meals served;
- Federal reimbursement rates;
- the provision of free and reduced-price meals;
- limits on the price charged for a reduced-price meal;
- maintenance of effort;
- equitable participation of children in private schools;
- distribution of funds to State and local school food authorities and service institutions participating in a Child Nutrition Program;

- the disclosure of information relating to students receiving free or reduced-price meals and other recipients of benefits;
- prohibiting the operation of a profit-producing program;
- the sale of competitive foods; and
- enforcement of any constitutional or statutory rights of individuals.

The statute establishes a waiver application and approval process. Through this process, the State agency or eligible service provider must submit an application that identifies the statutory or regulatory requirements that are requested to be waived, describes actions the State agency has taken to remove State statutory or regulatory barriers, describes the goal of the waiver, and describes the impediments to the efficient operation and administration of the Program.

The statute also requires that State agencies provide public notice of their request. All requests contained in this report met these requirements.

In 2022, the U.S. Department of Agriculture (USDA) approved a total of 2,027 waivers. In summary, USDA offered:

- a suite of 26 operational waivers to assist State agencies and program operators transitioning from operations under COVID-19 flexibilities to regular program operations;
- a suite of 35 monitoring waivers; and
- 315 other individual waivers from State agencies.

Of the other individual requests, USDA approved 314 in their entirety and one partially. A total of 455 waivers were requested, 13 of which USDA denied. State agencies withdrew 127 waiver requests; of these, 95 were considered withdrawn by FNS when nationwide waivers for the same provisions became available.

This report also provides a summary of nationwide waivers resulting from the COVID-19 pandemic. Pursuant to the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127), as amended, USDA provided State agencies with broad flexibilities to ensure the continuation of meal service during the COVID-19 pandemic. Upon passage of FFCRA, USDA was able to grant nationwide waivers reducing the need for individual State agencies or service providers to request waivers under Section 12(1) of the NSLA through mid-2022.

THE HONORABLE JOHN BOOZMAN

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Sincerely

/s/Thomas J. Vilsack

THOMAS J. VILSACK  
*Secretary*

Enclosure



Office of the Secretary  
Washington, DC 20250

June 3, 2024

THE HONORABLE VIRGINIA FOXX  
*Chairwoman*  
*Committee on Education and the Workforce*  
*2176 Rayburn House Office Building*  
*Washington, DC 20515*

Dear Chairwoman Foxx:

Section 12(l) of the National School Lunch Act (NSLA) (42 U.S.C. 1760(l)) provides the Secretary of Agriculture with authority to waive requirements under the NSLA or the Child Nutrition Act of 1966, as well as regulations issued under either Act, for a State or local entity that requests a waiver. The Secretary is required to submit to Congress an annual report that:

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A report of this waiver activity is attached; this report summarizes the waiver requests, USDA responses, and the overall impact of the waiver provisions.

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- enforcement of any constitutional or statutory rights of individuals.

The statute establishes a waiver application and approval process. Through this process, the State agency or eligible service provider must submit an application that identifies the statutory or regulatory requirements that are requested to be waived, describes actions the State agency has taken to remove State statutory or regulatory barriers, describes the goal of the waiver, and describes the impediments to the efficient operation and administration of the Program.

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Sincerely

/s/Thomas J. Vilsack

THOMAS J. VILSACK

*Secretary*

Enclosure



Office of the Secretary  
Washington, DC 20250

June 3, 2024

THE HONORABLE ROBERT C. "BOBBY" SCOTT  
*Ranking Member*  
*Committee on Education and the Workforce*  
*2101 Rayburn House Office Building*  
*Washington, DC 20515*

Dear Ranking Member Scott:

Section 12(l) of the National School Lunch Act (NSLA) (42 U.S.C. 1760(l)) provides the Secretary of Agriculture with authority to waive requirements under the NSLA or the Child Nutrition Act of 1966, as well as regulations issued under either Act, for a State or local entity that requests a waiver. The Secretary is required to submit to Congress an annual report that:

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*Secretary*

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Washington, DC 20250

June 3, 2024

THE HONORABLE DEBBIE STABENOW  
*Chairwoman*  
*Committee on Agriculture, Nutrition, and Forestry*  
*United States Senate*  
*328A Russell Senate Office Building*  
*Washington, DC 20510*

Dear Chairwoman Stabenow:

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Sincerely

/s/Thomas J. Vilsack

THOMAS J. VILSACK  
*Secretary*

Enclosure

# REPORT ON WAIVERS RECEIVED BY USDA FOR THE CHILD NUTRITION PROGRAMS

U.S. Department of Agriculture

Food and Nutrition Service

A Report to Congress

Calendar Year 2022

This report fulfills the directive in Section 12(l)(6) of the Richard B. Russell National School Lunch Act (NSLA) (42 U.S.C. 1760(l)(6)), requiring USDA to report to Congress on the use of waivers in the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the NSLP Seamless Summer Option (SSO), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program for Children (SMP), and the School Breakfast Program (SBP). Section 12(l) authorizes the Secretary of Agriculture to waive any requirement under the NSLA or the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.)<sup>i</sup> or any regulation issued under either of these Acts, for a State or eligible service provider.<sup>ii</sup> Pursuant to requirements in Section 12(l) of the NSLA, this report summarizes waiver actions in Calendar Year (CY) 2022, describes the impact of the waivers on improved services to children and providing nutritious meals to participants, and explains how the waivers reduced the quantity of paperwork necessary to administer the programs.

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<sup>i</sup> Section 12(l) of the NSLA does not permit waivers that would increase the overall cost of the program to the Federal Government unless the cost is paid from non-Federal funds, or that would alter the nutritional content of the meals served. Additional limitations for waiver approvals can be found in paragraph 4 of Section 12(l) of the NSLA as provided in FNS Guidance: [Child Nutrition Program Waiver Request Guidance and Protocol- Revised | Food and Nutrition Service \(usda.gov\)](#).

<sup>ii</sup> Eligible service providers include local school food authorities, service institutions or private nonprofit organizations, or family or group day care home sponsoring organizations.

## Overview and Background

Section 12(l) of the NSLA (42 U.S.C. 1760(l)) grants the Secretary of Agriculture the authority to waive program requirements under the NSLA or the Child Nutrition Act of 1966, and corresponding program regulations, under limited circumstances,<sup>iii</sup> if it is determined that:

- the waiver would facilitate the ability of the State or eligible service provider to carry out the purpose of the program;
- the State or eligible service provider that requested the waiver has provided notice and information to the public regarding the proposed waiver; and
- the request demonstrates that the waiver will not increase the overall cost of the program to the Federal Government, and if it does increase the cost, the cost will be paid from non-Federal funds.

While the majority of the report summarizes waivers issued under NSLA Section 12(l) authority, the beginning portion of this report includes a summary of COVID-19 nationwide waivers that were authorized under the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127), enacted on March 18, 2020. FFCRA was later extended under the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), enacted on October 1, 2020, and amended on June 25, 2022, by the Keep Kids Fed Act (KKFA) (P.L. 117-158).

Detailed information about nationwide and State waiver flexibilities provided to CNP operators during the COVID-19 pandemic can be found on the FNS website at:

[https://www.fns.usda.gov/resources?f%5B0%5D=topic%3A399&f%5B1%5D=resources\\_langcode%3Aen](https://www.fns.usda.gov/resources?f%5B0%5D=topic%3A399&f%5B1%5D=resources_langcode%3Aen).

## Summary of CY 2022 Waivers

### Transition from Nationwide to Individual State Waivers

Since the outset of the COVID-19 pandemic, the Food and Nutrition Service (FNS) of the United States Department of Agriculture (USDA) provided States with broad flexibilities that allowed eligible service providers to offer safe, nutritious meals to all children free of charge, while following local and Federal health guidelines. To support a successful school reopening in School Year (SY) 2021-2022, and to promote afterschool programs and child care, FNS offered nationwide waivers to provide operational and monitoring flexibilities to support CNP operations from March 20, 2020, through June 30, 2022, with the authority granted by Congress under FFCRA (P.L. 116-127) and the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159). With State approval, these waivers allowed operators to:

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<sup>iii</sup> See footnote 1.

- claim NSLP SSO meals and snacks at the higher SFSP reimbursement rates;
- operate SSO while school was open during the school year;
- serve meals in non-group settings;
- serve meals to children outside of traditional times;
- allow parents/guardians to pick up meals on behalf of their children;
- serve meals that may not satisfy specific meal pattern requirements;
- allow flexibilities with the Offer vs. Serve (OVS) requirements;
- claim NSLP afterschool snack and CACFP at-risk afterschool program meals and snacks at the free rate;
- waive area eligibility requirements for SFSP operations during unanticipated school closures;
- serve meals at school sites during unanticipated school closures; and
- not respond to select administrative data reporting requirements.

In addition, to help minimize potential exposure to COVID-19, FNS extended program monitoring waivers for NSLP, SBP, and CACFP to allow State agencies to perform virtual monitoring, and to allow sponsors in the CACFP to perform virtual monitoring, until 30 days after the end of the declared COVID-19 public health emergency.

Nationwide waivers eliminated the need to provide individual waivers under Section 12(l) authority for these flexibilities during the approved period and provided much needed flexibilities across the various Child Nutrition Programs. On June 25, 2022, FFCRA was amended under KKFA (P.L. 117-158) to further extend FNS' nationwide waiver authority to provide continued flexibilities for Summer 2022, due to the exceptional circumstances that program operators were facing as a result of COVID-19. With this authority, FNS extended a subset of the flexibilities for Summer 2022 operations. Specifically, with State approval, FNS allowed operators to:

- operate open sites in areas not located in "Areas in which poor economic conditions exist";
- forego requirements to collect income applications for closed enrolled sites<sup>iv</sup>;
- receive the higher SFSP reimbursement rates for SSO operations;
- serve meals in non-group settings;
- serve meals to children outside of traditional times;
- allow parents/guardians to pick up meals on behalf of their children; and

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<sup>iv</sup> Closed enrolled sites are established for a specific group of children who enroll in an organized activity program or who do not reside in an eligible low income area. The site becomes eligible for SFSP if at least half of the enrolled children qualify for free and reduced-price meals. Because the site is not open to the community, meals are served free only to enrolled children.

- be reimbursed for meals prior to State notification of approval for summer 2022.

While the flexibilities provided by FNS through the nationwide waivers were broad and facilitated operations during the COVID-19 public health emergency, some States had unique needs that were not met by these flexibilities. Individual State requests that were both related, and not related, to COVID-19 are addressed in the *NSLA Section 12(l) Waivers* section below.

## NSLA Section 12(l) Waivers

FNS did not receive legislative authority to issue new nationwide waivers beyond SY 2021-2022. While Summer 2022 operations were ongoing, FNS began preparing to help operators transition from nationwide waiver operations to regular, pre-COVID operations. Because COVID-19 left CNP operators facing ongoing challenges, FNS offered a suite of flexibilities as individual waivers for SY 2022-2023, with the goal of assisting State agencies and program operators as they transitioned from operations under COVID-19 nationwide waivers to operations designed under their own unique circumstances. These waivers were authorized through Section 12(l) of the NSLA. To accommodate the multitude of requests and facilitate a prompt response, FNS provided a checklist – accessible on the FNS website at <https://www.fns.usda.gov/cn/sy-2022-23-child-nutrition-programs-waiver-checklist> – that included 26 potential waivers offered to the State agencies as part of this suite of flexibilities. FNS expected and clarified that program operators should only use the operational waivers identified in the checklist when congregate meal service was limited by COVID-19. FNS also processed a variety of other waivers under the NSLA 12(l) authority.

FNS used 12(l) waiver authority to extend Community Eligibility Provision (CEP) deadlines to allow local educational agencies (LEAs) time to respond and recover from supply chain and staffing issues that arose from the COVID-19 pandemic. FNS also allowed LEAs extensions for calculating Identified Student Percentage (ISP) data (31 waivers approved), LEA notifications (28 waivers approved), State agency notifications (28 waivers approved), State agency publications (28 waivers approved), and CEP election deadline requirements (32 waivers approved). These waivers were essential in helping LEAs administer CEP, a program that offers meals at no cost to all students in participating schools, during the transition to regular post-COVID operations. Following the initial waivers, five State agencies were granted additional CEP election deadline waiver extensions due to severe weather or administrative complications, and two State agencies were granted additional ISP data calculation waiver extensions due to administrative complications.

Under program statute and regulations, State agencies and local program operators are required to monitor the Child Nutrition Programs. Under FFCRA, FNS was able to extend the multiple oversight waivers provided since the onset of COVID-19 to support access to nutritious



meals while minimizing potential exposure to COVID-19. FNS also provided State agencies the opportunity to opt in to and submit a waiver request of both State and local CNP monitoring requirements and propose an alternative plan for conducting effective program oversight in CY 2022. As a result, offsite monitoring practices were permissible to protect the integrity of these programs throughout the COVID-19 pandemic until 30 days after the end of the public health emergency. FNS received 222 total oversight waivers in CY 2022. FNS approved all oversight waivers received. Many of the oversight waivers included flexibilities regarding review time frames and frequency. In their waiver requests, State agencies were required to describe how current program circumstances and flexibilities impacted oversight requirements, what alternative oversight measures would be implemented to ensure continued program integrity, and how the waiver would streamline review requirements, provide operators with additional time to execute oversight measures, and improve technical assistance. In the approved waivers, many State agencies took a hybrid approach to monitoring and conducted reviews of meal service operations that would typically occur in person, using virtual video conferencing methods. State agencies also requested modifications to review timelines so they could ensure thorough remote review of documents that they had normally reviewed during the on-site monitoring visit.

In addition, FNS received and responded to individual waiver requests to:

- Raise FFVP student allocation from \$75 to \$100 (denied);
- Waive requirement for local education agencies (LEA) to amend their permanent free and reduced-price policy statements (denied);
- Allow schools to participate in Provision 2<sup>v</sup> and conduct a streamlined base year for the SBP (approved);
- Allow reimbursement for meals served prior to written notification of approval in SFSP (denied);
- Waive notification requirements for sponsors to send, on behalf of all SFSP sponsors, a master list of sites to the State Health Department during COVID-19 (approved);
- Allow non-congregate meal service at certain outdoor SFSP meal sites during excessive heat (approved);
- Waive certain area eligibility requirements to allow day care home providers to be reimbursed at the tier I rate and allow at-risk afterschool CACFP in non-eligible areas (denied);

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<sup>v</sup> In an effort to reduce paperwork and other administrative burdens at the local level, Congress incorporated into Section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 USC 1759a) three alternative Provisions to the traditional requirements for annual determinations of eligibility for free and reduced price school meals and daily meal counts by type. These alternatives are commonly referred to as Provision 1, Provision 2, and Provision 3. The federal regulations for Provisions 1, 2, and 3 are found in 7 CFR 245, Determining Eligibility for Free and Reduced Price Meals and Free Milk In Schools.

- Modify CACFP monitoring procedures (partially approved);
- Extend CACFP regulatory definition of day care home (approved); and
- Limit scope of the review of adult participant plans of care (approved).

## Total Waiver Requests and Responses

In total, FNS received 2,167 waiver requests in CY 2022, of which 2,027 were approved, 13 denied, and 127 withdrawn. Of the withdrawn waivers, 95 waivers had requested closed enrolled application and meal times flexibilities, and were considered withdrawn by States if the State opted into [Nationwide Waiver to Allow Area Eligibility for Closed Enrolled Sites for Summer 2022 Operations - EXTENSION 4](#) or [Nationwide Waiver of Meal Service Time Restrictions for Summer 2022 Operations - EXTENSION 4](#), released on June 30, 2022, and July 6, 2023, respectively.

Of the approved waivers, 11 consisted of disaster-related requests. FNS utilizes NSLA Section 12(l) waiver authority to approve waivers to help State agencies respond to CNP needs during disasters and other unanticipated school closures. In CY 2022, FNS approved waivers to allow non-congregate meal service, along with meal service time flexibility, and parent/guardian meal pickup across the Child Nutrition Programs. These waivers helped children receive meals and proper nutrition during periods of inclement weather, natural disasters, water supply issues, unsafe building conditions, and labor and administration disputes. This gave students, families, and schools necessary relief during unforeseen hardships.

The tables below outline all of the waivers that were requested by States in CY 2022. These waivers are organized into three tables: 1) waivers issued through the suite of Summer 2022 and SY 2022-2023 operational flexibilities, 2) oversight waivers issued in the CACFP and NSLP, and 3) all remaining waiver requests.

| <b>Table 1: Summer 2022, School Year 2022-2023 Suite of Operational Flexibilities</b> |  |   |
|---|--|---|
| <b>Number of Waivers Offered by FNS</b>   | <b>Number of States and Territories Opting In to Each Waiver (range)</b> | <b>Total Number of Waiver Opt-Ins (<i>number of waivers x number of States/Territories for each waiver</i>)</b> |
| <b>26</b>   | Between 33 and 53, per waiver  | 1,490   |

| <b>Table 2: CACFP and NSLP Oversight Waivers</b> |   |                                       |
|--|---|---------------------------------------|
| <b>Number of Waivers Offered by FNS</b>          | <b>Number of States and Territories Opting In to Each (range)</b> | <b>Total Number of Waiver Opt-Ins</b> |
| <b>35</b>  | Between 4 and 16, per waiver                                      | 222                                   |

| <b>Table 3: Other Individual Waivers</b> |                   |               |                    |
|--|-------------------|---------------|--------------------|
| <b>Requested</b>                         | <b>Approved</b>   | <b>Denied</b> | <b>Withdrawn</b>   |
| <b>455</b>                               | 315 <sup>vi</sup> | 13            | 127 <sup>vii</sup> |

## Impact on Services to Children

FNS approved various types of waiver requests to help Child Nutrition Programs better reach children at risk of food insecurity. For example, FNS approved 57 waivers for SFSP meal service times in Summer 2022 that addressed issues impacting the delivery and availability of SFSP meals for children. Regulations codified at [7 CFR 225.16\(c\)\(1\)](#) and [\(2\)](#) put limits on the amount of time that may elapse between the beginning of one meal service, including snacks, and the beginning of another meal service in SFSP. FNS also extended the meal service times flexibility to SSO for the duration of the waiver. Policy guidance that waived this requirement had been in effect since 1998. The waiver allowed sponsors to schedule meal service times that align with community activities and programs. By taking into consideration factors outside of the scope of the actual meal service, such as pre-determined class, camp, and transportation schedules, meal-time flexibilities ensure that sponsors can adequately address operational challenges in a way that best meets the needs of their community. States shared that less restrictive meal times help sponsors avoid increased operational costs, maximize meal benefits for eligible children, and better meet the needs of families with children and at-risk youth.

Additionally, FNS approved 48 individual State waivers that were effective through June 30, 2023, to allow SFAs participating in the FFVP to distribute the FFVP foods to a parent or

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<sup>vi</sup> FNS approved 314 waiver requests fully, and one request partially.

<sup>vii</sup> Includes 95 closed enrolled application and meal times waivers that were considered withdrawn if the State opted in to the nationwide waivers that were later released by FNS to offer these same flexibilities.

guardian on behalf of their eligible children without the children being present. FNS also approved 46 State waivers that were effective through June 30, 2023, to allow FFVP foods to be made available at alternate (non-FFVP school site) locations if the FFVP school was closed or did not have meal service. Under FFVP requirements, program operators may offer FFVP foods only at elementary schools. Providing this waiver improved the availability of fresh fruit and vegetables to elementary students.

### Impact on Providing Nutritious Meals

FNS approved waiver requests in cases where granting the waiver would facilitate and would not negatively impact the State or eligible service provider's ability to provide nutritious meals to children. FNS recognized that during the early days of the COVID-19 public health emergency, meal pattern flexibility was necessary to ensure the provision of meals in a safe manner. However, extensions of these meal pattern flexibilities were not deemed necessary in CY 2022. FNS has remained committed to supporting CNP institutions in serving the most nutritious meals possible as they have transitioned back to regular operations.

### Impact on Paperwork Reduction

The CNP oversight waivers reduced administrative burden and allowed State agencies the option to target their resources toward technical assistance and monitoring activities that will have the greatest impact on program integrity. For instance, waiving program regulations codified at [7 CFR 210.18\(c\)](#) and [226.6\(m\)\(6\)](#) allowed States to reduce the frequency of school meal programs administrative reviews and CACFP institution reviews from every three years to another specified time frame reducing the amount of paperwork and administrative costs to State agencies. This allowed State agencies to focus on technical assistance and other aspects of program operations such as the submission of claims, allowing for effective management of program operations during the COVID-19 pandemic.

### Waiver Denials

FNS denied all waiver requests that were not within the scope of the waiver authority of Section 12(l), such as those that would not facilitate the ability of the State or LEA to carry out the purpose of the program and assist in resolving impediments to the efficient operation and administration of the program as required under the waiver authority, or that would increase Federal costs.

For example, FNS denied a State agency's request to waive certain area eligibility requirements for CACFP under 7 CFR 226.6(b)(1)(viii), 7 CFR 226.6(f)(1)(ix)(B) and (C), 7 CFR 226.15(f) and (g), 7 CFR 226.17a(e)(2)(iv), 7 CFR 226.17a(f)(1), and 7 CFR 226.17a(i)(1) and (2) and allow day care

home providers to be reimbursed at the Tier I rate<sup>viii</sup> and allow program operators to operate CACFP at-risk afterschool in non-eligible areas. FNS does not have the authority to grant a waiver that will increase costs to the Federal government.

FNS also denied a request to waive the requirement at 7 CFR 245.10(c) requiring an LEA to amend its permanent free and reduced-price policy statement to reflect the substantive changes which must be approved by the State agency by October 15. The accuracy and availability of a State agency's system utilized for the administration of FNS programs is the responsibility of the State and therefore does not meet the criteria to warrant an approval.

FNS denied two State agencies' request to waive SFSP requirements under 7 CFR 225.9(d) and allow reimbursement for meals served prior to written notification of approval in the Summer Food Service Program. FNS does not have the authority to grant a waiver that will increase cost to the federal government.

FNS denied a State agency's request to waive the SFSP requirements under 42 U.S.C 1761(a)(5) and at 7 CFR 225.6(c)(2)(i)(J), 225.6(c)(3)(i)(D), 225.9(d)(9), 225.15(e), 225.15(f)(1), and 225.16(b)(1) that camps may be reimbursed only for meals served free to enrolled children who meet the Program's eligibility standards. FNS does not have the authority to grant a waiver that will increase costs to the Federal government.

FNS denied two State agencies' requests to waive SFSP and CACFP meal pattern requirements under 7 CFR 225.16 and 7 CFR 226.20 respectively. FNS does not have the authority to waive meal pattern requirements.

FNS denied a State agency's request to waive CACFP monitoring requirements under 7 CFR 226.6(m)(3), 7 CFR 226.6(m)(6), and 7 CFR 226.16(d)(4)(iii)(A) and (B) regarding meal service observation and frequency of unannounced reviews. In addition, FNS denied the State agency's waiver request to reduce the frequency of unannounced reviews and to waive the requirement to conduct at least one unannounced meal service observation for sponsoring organizations. FNS determined it would potentially compromise the integrity of the program by failing to provide adequate oversight of program operations.

Consistent with language in Section 12(l) of the NSLA, FNS promptly informs State agencies in writing of the reasons for granting or denying waiver requests and periodically reviews the performance of any State agency or local entity operating under a waiver.

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<sup>viii</sup> Under 12(l) authority, FNS may not approve waivers that increase costs to the Federal Government. However, during SY 2022-2023, the KKFA allowed the reimbursement of family or group day care homes at the Tier I rate.