



Food and
Nutrition
Service

DATE: April 20, 2021
CODE: COVID-19: Child Nutrition Response #95

Braddock
Metro Center

SUBJECT: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3

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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 Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3
Document ID:	
Z-RIN:	
Date of Issuance:	April 20, 2021
Replaces:	N/A
Summary:	(1) FNS waives, for all State agencies, that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) be conducted onsite. To ensure Program integrity during this time, State agencies should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver extends the Nationwide Waiver of Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 2 granted on August 4, 2020 that expires on September 30, 2021. (2) This waiver applies to State agencies administering the Child and Adult Care Food Program. This waiver remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.
Disclaimer:	The contents of this waiver have the force and effect of law as authorized by the Families First Coronavirus Response Act (the Act) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159) unless otherwise provided.

Pursuant to the authority in Section 2202(a) of the Families First Coronavirus Response Act (the FFCRA) (P.L. 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (P.L. 116-159), and based on the exceptional circumstances of this public health emergency, the Food and Nutrition Service (FNS) is

extending a nationwide waiver to help minimize potential exposure to the novel coronavirus (COVID-19). This waiver extends the *Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 2*, granted on August 4, 2020, that expires on September 30, 2021 – until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services. This extension applies to the Child and Adult Care Food Program (CACFP).

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 statute and regulations, State agencies are required to conduct one scheduled visit of CACFP institutions at not less than 3-year intervals. CACFP regulations at 7 CFR 226.6(m)(6) go on to require State agencies to annually review at least 33.3 percent of all CACFP institutions. Additionally, per 7 CFR 226.6(b)(1), State agencies are required to do a pre-approval visit of all new CACFP sponsors. However, FNS recognizes that in this public health emergency, suspending onsite monitoring is vital to support social distancing. Additionally, with many CACFP institutions closed, monitoring CACFP may not be possible in some instances. FNS recognizes that State agencies continue to need additional support and flexibility to monitor CACFP while managing the impacts of COVID-19.

Therefore, pursuant to the FFCRA authority cited above, FNS extends its waiver of the requirement that CACFP monitoring requirements included at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) **be conducted onsite** for all State agencies that elect to be subject to this waiver. Please note that to ensure Program integrity during this time, State agencies should continue monitoring activities of Program operations offsite (e.g., through a desk audit). This waiver is effective immediately, and remains in effect until 30 days after the end of the public health emergency, which was declared on January 31, 2020 by the United States Department of Health and Human Services.

Consistent with Section 2202(a)(2) of the FFCRA, this extension applies automatically to all States 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 sponsoring organizations and local Program operators of the extension of this waiver as quickly as possible, and work in partnership with local operators to ensure their safety.¹ Elections and approvals under the initial waiver will continue under this extension; no further action is needed.

¹ The burden associated with the requirement to elect Nationwide Waiver participation will be included in an upcoming change request to OMB Control #0584-0654.

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 elected to receive the extension.² The report must include:

- A summary of the use of this extension by the State agency and local program operators, and
- A description of whether and how this extension 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.



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² FNS will submit to OMB for approval a revision to OMB Control #0584-0607 to cover the reporting requirements of this waiver under the Paperwork Reduction Act.