

# United States Senate

August 28, 2020

The Honorable Sonny Perdue  
Secretary  
United States Department of Agriculture  
1400 Independence Avenue, S.W.  
Washington, DC 20250

Dear Secretary Perdue:

We are writing to urge you to reconsider your decision to allow waivers providing flexibility for child nutrition programs to expire in the coming days, and to urge you to fully exercise the broad authority provided in the Families First Coronavirus Response Act (P.L. 116-127) by extending these and other important waivers through the 2020-2021 school year.

To date, the flexibility for schools and community partners to provide meals under USDA's waiver authority has helped students, families, and communities across the country prevent hunger through programs like the Summer Food Service Program (SFSP) and Seamless Summer Option (SSO or "Seamless Summer"). The flexibility provided by these waivers has had a significant impact for Hawaii students and families—by some estimates providing tens of thousands of meals per day during the recent school closures. Specifically, when Hawaii schools closed earlier this year, the waivers allowed them to shift their operating authorities to these programs, which, with additional flexibility, meant more students could be fed.

We are alarmed that USDA intends to allow these waivers to expire as the 2020-2021 school year begins. Jurisdictions around the country are resuming instruction after spending the summer struggling to make difficult decisions based on their local conditions about whether it is appropriate to provide that instruction in-person, virtually, or using a hybrid model. In some cases, state and local governments have had to make changes to their plans based on the facts. For example, the Hawaii Department of Education (HIDOE) initially planned to resume in-person classes on August 4, but later delayed the start of in-person classes to August 17, before eventually deciding to move to fully distance learning through October 2 following a sharp increase in coronavirus case numbers. This kind of decision making based on local conditions is important to protecting students, teachers, school leaders, and other school personnel, and to helping stop the spread of the virus in our communities.

Given the success of the flexibility provided by these waivers and the clear need that remains, USDA should be focusing on providing maximum flexibility to support our families and schools. Instead, USDA is poised to let current waivers expire, and has failed to provide a detailed explanation of the legal or budgetary roadblocks that have prevented the agency from extending these waivers. The federal government should be working to provide state and local jurisdictions with maximum flexibility to stop the spread of the virus while providing educational opportunities for students.

For these reasons, we strongly urge you to reconsider your position and extend the following waivers:

**Summer Food Service Program (SFSP)/Seamless Summer Option (SSO or Seamless Summer) Waivers:** Nationally, Summer Food Service Program (SFSP)/Seamless Summer Option (SSO) Waivers have allowed schools and community partners to feed more students during the coronavirus pandemic, including through flexible meal pattern requirements and higher reimbursement rates to cover additional costs for food and supplies. Without these waivers, it will be more difficult for schools and community partners in Hawaii and elsewhere to feed students at a time when many are already dealing with budget constraints and financial hardships due to the coronavirus pandemic. We urge you to extend these waivers through the 2020-2021 school year.

**Area Eligibility Waivers:** Nationally, Area Eligibility Waivers have provided schools and community partners with flexibility to feed students during the pandemic, including by expanding eligibility for students to receive free meals through SFSP and SSO/Seamless Summer. Without these waivers, open site meal service would be limited to communities where at least half of the children are in low-income households, limiting the extent to which schools and community partners would be able to feed students. These waivers should be extended through the 2020-2021 school year.

**Unanticipated School Closure Waivers:** When schools closed earlier this year, Unanticipated School Closure Waivers provided flexibility for them to feed students. This was certainly the case in Hawaii, where HIDOE closed schools for 179,000 students in mid-March. Even as schools return to in-person, virtual, or hybrid learning models for the 2020-2021 school year, uncertainty remains about what the school year will look like, and whether schools will need to suspend classes. These waivers should also be extended through the 2020-2021 school year.

The coronavirus pandemic continues to impact families across the country, many of which rely on child nutrition programs to feed their children. Rather than limiting schools and community partners in their ability to feed students, we should be making it easier for families to receive meals for their children. The disruptions to the 2020-2021 school year alone will present

unprecedented challenges to our nation's children. There is no reason to exacerbate these challenges by making hunger an additional obstacle.

We request your immediate attention to this urgent matter and thank you for your consideration of this request.

Sincerely,



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MAZIE K. HIRONO  
United States Senator



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BRIAN SCHATZ  
United States Senator

/s/ Tulsi Gabbard

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TULSI GABBARD  
Member of Congress



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ED CASE  
Member of Congress