

Congress of the United States
Washington, DC 20515

August 28, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250

Dear Secretary Perdue:

We are writing to express our disapproval of your decision not to extend all school meal waivers through the 2020-2021 school year. We urge you to immediately reverse your decision and extend all of the waivers using your authority under the *Families First Coronavirus Response Act* (FFCRA).¹ At a moment when as many as 17 million children did not get enough to eat this summer, this decision is not only based in an incorrect understanding of the law, but it is also irresponsible and cruel.²

You wrote in your letter to us dated August 21, 2020 that extending these waivers would go beyond the scope of the U.S. Department of Agriculture's (Department) authority.³ This is not correct. Congress provided the Department clear authority to issue all of these waivers under FFCRA.⁴ The Department has already used its authority under FFCRA to extend other school meal waivers for the duration of the 2020-2021 school year, including the non-congregate meal service waiver, the meal pattern waiver, and the parent/guardian pickup waiver.⁵ These actions indicate that the Department agrees that these authorities under FFCRA can be applied during the 2019-2020 school year as long as the waiver is *issued* prior to the sunset date of September 30, 2020 prescribed in section 2202(e).⁶

In your August 21, 2020, letter you also expressed concern about whether the Department has budgetary authority to extend waivers. However, section 2102 of FFCRA, the *Maintaining Essential Access to Lunch for Students (MEALS) Act* introduced by Rep. Omar, explicitly provides the Department with the authority to issue waivers that increase costs to the federal government, and the authority under this section does not sunset.⁷ The Department already cited budgetary authority from this section of FFCRA in its existing area eligibility waiver.⁸

¹ Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020).

² Center on Budget and Policy Priorities, *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*, August 13, 2020, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and>.

³ Letter from Secretary Perdue to Representatives Omar, Pingree, and colleagues (August 21, 2020).

⁴ Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020).

⁵ U.S. Department of Agriculture, *USDA Provides Flexibilities to Ensure Kids Receive Meals This Fall* (June 25, 2020), <https://www.usda.gov/media/press-releases/2020/06/25/usda-provides-flexibilities-ensure-kids-receive-meals-fall>.

⁶ Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020).

⁷ Families First Coronavirus Response Act, Pub. L. No. 116-127 (2020).

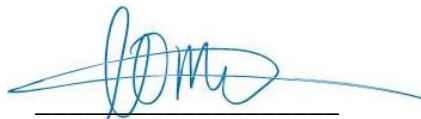
⁸ U.S. Department of Agriculture, *Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020*, <https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID19-Area-Eligibility-Extension.pdf>.

As we discussed in our letter to you on August 7, 2020, your decision not to extend these waivers will make it more difficult, if not impossible, for school meal programs to continue to operate this fall, and for families to access nutritious meals for their children. Further, neglecting to extend these waivers will exacerbate the already perilous financial situation school meal programs are facing.

We therefore urge you to immediately reverse your decision to not extend all school meal waivers.

Please contact Maria Martirosyan at Maria.Martirosyan@mail.house.gov with any questions. Thank you for your attention to this urgent matter, and we look forward to your response.

Sincerely,



Ilhan Omar
MEMBER OF CONGRESS



Chellie Pingree
MEMBER OF CONGRESS

Alma S. Adams, Ph.D
MEMBER OF CONGRESS

Cindy Axne
MEMBER OF CONGRESS

Earl Blumenauer
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