

Appendix J.1

Section 2202 of the Families First Coronavirus Response Act

SEC. 2202. <<NOTE: 42 USC 1760 note.>> NATIONAL SCHOOL LUNCH
PROGRAM REQUIREMENT WAIVERS ADDRESSING
COVID-19.

(a) Nationwide Waiver.--

(1) In general.--Notwithstanding any other provision of law, the Secretary may establish a waiver for all States under section 12(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(1)), for purposes of--

(A) providing meals and meal supplements under a qualified program; and

(B) carrying out subparagraph (A) with appropriate safety measures with respect to COVID-19, as determined by the Secretary.

(2) State election.--A waiver established under paragraph

(1) shall--

(A) notwithstanding paragraph (2) of section 12(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(1)), apply automatically to any State that elects to be subject to the waiver without further application; and

(B) not be subject to the requirements under paragraph (3) of such section.

(b) Child and Adult Care Food Program Waiver.--Notwithstanding any other provision of law, the Secretary may grant a waiver under section 12(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(1)) to allow non-congregate feeding under a child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766) if such waiver is for the purposes of--

(1) providing meals and meal supplements under such child and adult care food program; and

(2) carrying out paragraph (1) with appropriate safety measures with respect to COVID-19, as determined by the Secretary.

(c) Meal Pattern Waiver.--Notwithstanding paragraph (4)(A) of section 12(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(1)) the Secretary may grant a waiver under such section that relates to the nutritional content of meals served if the Secretary determines that--

(1) such waiver is necessary to provide meals and meal supplements under a qualified program; and

(2) there is a supply chain disruption with respect to foods served under such a qualified program and such disruption is due to COVID-19.

(d) Reports.--Each State that receives a waiver under subsection (a), (b), or (c), shall, not later than 1 year after the date such State received such waiver, submit a report to the Secretary that includes the following:

(1) <<NOTE: Summary.>> A summary of the use of such waiver by the State and eligible service providers.

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(2) A description of whether such waiver resulted in improved services to children.

(e) Sunset.--The authority of the Secretary to establish or grant a waiver under this section shall expire on September 30, 2020.

(f) Definitions.--In this section:

(1) Qualified program.--The term ``qualified program'' means the following:

(A) The school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(B) The school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

(C) The child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766).

(D) The summer food service program for children under section 13 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1761).

(2) Secretary.--The term ``Secretary'' means the Secretary of Agriculture.

(3) State.--The term ``State'' has the meaning given such term in section 12(d)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)(8)).

SEC. 2203. <<NOTE: 42 USC 1786 note.>> PHYSICAL PRESENCE WAIVER UNDER WIC DURING CERTAIN PUBLIC HEALTH EMERGENCIES.

(a) Waiver Authority.--

(1) In general.--Notwithstanding any other provision of law, the Secretary may grant a request described in paragraph (2) to--

(A) waive the requirement under section 17(d)(3)(C)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(3)(C)(i)); and

(B) defer anthropometric and bloodwork requirements necessary to determine nutritional risk.

(2) <<NOTE: Effective date.>> Request.--A request described in this paragraph is a request made to the Secretary by a State agency to waive, on behalf of the local agencies served by such State agency, the requirements described in paragraph (1) during any portion of the emergency period (as defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) (beginning on or after the date of the enactment of this section).

(b) Reports.--

(1) Local agency reports.--Each local agency that uses a waiver pursuant to subsection (a) shall, not later than 1 year after the date such local agency uses such waiver, submit a report to the State agency serving such local agency that includes the following:

(A) <<NOTE: Summary.>> A summary of the use of such waiver by the local agency.

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(2) State agency reports.--Each State agency that receives a waiver under subsection (a) shall, not later than 18 months after the date such State agency received such

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waiver, submit a report to the Secretary that includes the following:

(A) <<NOTE: Summary.>> A summary of the reports received by the State agency under paragraph (1).

(B) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) Sunset.--The authority under this section shall expire on September 30, 2020.

(d) Definitions.--In this section:

(1) Local agency.--The term ``local agency'' has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(2) Nutritional risk.--The term ``nutritional risk'' has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

(3) Secretary.--The term ``Secretary'' means the Secretary of Agriculture.

(4) State agency.-- The term ``State agency'' has the meaning given the term in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)).

SEC. 2204. ADMINISTRATIVE REQUIREMENTS WAIVER UNDER WIC.

(a) Waiver Authority.--

(1) In general.--Notwithstanding any other provision of law, the Secretary of Agriculture may, if requested by a State agency (as defined in section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)), modify or waive any qualified administrative requirement with respect to such State agency.

(2) <<NOTE: Definition. Determination.>> Qualified administrative requirement.--In this section, the term ``qualified administrative requirement'' means a regulatory requirement issued under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) that the Secretary of Agriculture determines--

- (A) cannot be met by a State agency due to COVID-19;
- and
- (B) the modification or waiver of which is necessary to provide assistance under such section.

(b) State Agency Reports.--Each State agency that receives a waiver under subsection (a)(1) shall, not later than 1 year after the date such State agency received such waiver, submit a report to the Secretary of Agriculture that includes the following:

- (1) <<NOTE: Summary.>> A summary of the use of such waiver by the State agency.
- (2) A description of whether such waiver resulted in improved services to women, infants, and children.

(c) Sunset.--The authority under this section shall expire on September 30, 2020.