

**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).<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> This is not correct. Congress provided the Department clear authority to issue all of these waivers under FFCRA.<sup>4</sup> 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.<sup>5</sup> 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).<sup>6</sup>

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.<sup>7</sup> The Department already cited budgetary authority from this section of FFCRA in its existing area eligibility waiver.<sup>8</sup>

---

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

<sup>2</sup> 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>.

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

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

<sup>5</sup> 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>.

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

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

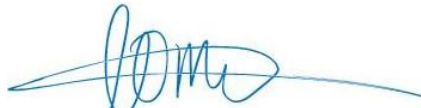
<sup>8</sup> U.S. Department of Agriculture, *Nationwide Waiver to Extend Area Eligibility Waivers through August 31, 2020*, <https://fns-prod.azureedge.net/sites/default/files/resource-files/COVID19-Area-Eligibility-Extension.pdf>.

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](mailto: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  
MEMBER OF CONGRESS

Julia Brownley  
MEMBER OF CONGRESS

Cheri Bustos  
MEMBER OF CONGRESS

Salud Carbajal  
MEMBER OF CONGRESS

Tony Cárdenas  
MEMBER OF CONGRESS

Judy Chu  
MEMBER OF CONGRESS

David N. Cicilline  
MEMBER OF CONGRESS

Gilbert R. Cisneros, Jr.  
MEMBER OF CONGRESS

Yvette D. Clarke  
MEMBER OF CONGRESS

Emanuel Cleaver, II  
MEMBER OF CONGRESS

Steve Cohen  
MEMBER OF CONGRESS

Jim Cooper  
MEMBER OF CONGRESS

Jim Costa  
MEMBER OF CONGRESS

Joe Courtney  
MEMBER OF CONGRESS

TJ Cox  
MEMBER OF CONGRESS

Angie Craig  
MEMBER OF CONGRESS

Henry Cuellar  
MEMBER OF CONGRESS

Danny K. Davis  
MEMBER OF CONGRESS

Mark DeSaulnier  
MEMBER OF CONGRESS

Veronica Escobar  
MEMBER OF CONGRESS

Adriano Espaillat  
MEMBER OF CONGRESS

Ruben Gallego  
MEMBER OF CONGRESS

Jesús G. "Chuy" García  
MEMBER OF CONGRESS

Jimmy Gomez  
MEMBER OF CONGRESS

Alcee L. Hastings  
MEMBER OF CONGRESS

Denny Heck  
MEMBER OF CONGRESS

Jared Huffman  
MEMBER OF CONGRESS

Eddie Bernice Johnson  
MEMBER OF CONGRESS

William R. Keating  
MEMBER OF CONGRESS

Ro Khanna  
MEMBER OF CONGRESS

Andy Kim  
MEMBER OF CONGRESS

Ann McLane Kuster  
MEMBER OF CONGRESS

John B. Larson  
MEMBER OF CONGRESS

Susan A. Davis  
MEMBER OF CONGRESS

Peter A. DeFazio  
MEMBER OF CONGRESS

Debbie Dingell  
MEMBER OF CONGRESS

Anna Eshoo  
MEMBER OF CONGRESS

Marcia L. Fudge  
MEMBER OF CONGRESS

John Garamendi  
MEMBER OF CONGRESS

Sylvia R. Garcia  
MEMBER OF CONGRESS

Josh Harder  
MEMBER OF CONGRESS

Jahana Hayes  
MEMBER OF CONGRESS

Steven Horsford  
MEMBER OF CONGRESS

Pramila Jayapal  
MEMBER OF CONGRESS

Marcy Kaptur  
MEMBER OF CONGRESS

Joseph P. Kennedy, III  
MEMBER OF CONGRESS

Derek Kilmer  
MEMBER OF CONGRESS

Ron Kind  
MEMBER OF CONGRESS

Rick Larsen  
MEMBER OF CONGRESS

Barbara Lee  
MEMBER OF CONGRESS

Susie Lee  
MEMBER OF CONGRESS

Ted Lieu  
MEMBER OF CONGRESS

Alan Lowenthal  
MEMBER OF CONGRESS

Carolyn B. Maloney  
MEMBER OF CONGRESS

Doris Matsui  
MEMBER OF CONGRESS

James P. McGovern  
MEMBER OF CONGRESS

Gwen Moore  
MEMBER OF CONGRESS

Seth Moulton  
MEMBER OF CONGRESS

Grace F. Napolitano  
MEMBER OF CONGRESS

Frank Pallone, Jr.  
MEMBER OF CONGRESS

Ed Perlmutter  
MEMBER OF CONGRESS

Ayanna Pressley  
MEMBER OF CONGRESS

Jamie Raskin  
MEMBER OF CONGRESS

Lucille Roybal-Allard  
MEMBER OF CONGRESS

Tim Ryan  
MEMBER OF CONGRESS

Mary Gay Scanlon  
MEMBER OF CONGRESS

Kim Schrier, M.D.  
MEMBER OF CONGRESS

Andy Levin  
MEMBER OF CONGRESS

Zoe Lofgren  
MEMBER OF CONGRESS

Stephen F. Lynch  
MEMBER OF CONGRESS

Sean Patrick Maloney  
MEMBER OF CONGRESS

Betty McCollum  
MEMBER OF CONGRESS

Jerry McNerney  
MEMBER OF CONGRESS

Joseph D. Morelle  
MEMBER OF CONGRESS

Jerrold Nadler  
MEMBER OF CONGRESS

Eleanor Holmes Norton  
MEMBER OF CONGRESS

Jimmy Panetta  
MEMBER OF CONGRESS

Mark Pocan  
MEMBER OF CONGRESS

David Price  
MEMBER OF CONGRESS

Harley Rouda  
MEMBER OF CONGRESS

Bobby Rush  
MEMBER OF CONGRESS

Linda T. Sánchez  
MEMBER OF CONGRESS

Jan Schakowsky  
MEMBER OF CONGRESS

Robert C. "Bobby" Scott  
MEMBER OF CONGRESS

Donna E. Shalala  
MEMBER OF CONGRESS

Darren Soto  
MEMBER OF CONGRESS

Jackie Speier  
MEMBER OF CONGRESS

Mike Thompson  
MEMBER OF CONGRESS

Dina Titus  
MEMBER OF CONGRESS

Paul Tonko  
MEMBER OF CONGRESS

Lori Trahan  
MEMBER OF CONGRESS

Juan Vargas  
MEMBER OF CONGRESS

Nydia M. Velázquez  
Member of Congress

Peter Welch  
MEMBER OF CONGRESS

Susan Wild  
MEMBER OF CONGRESS

John Yarmuth  
MEMBER OF CONGRESS

Adam Smith  
MEMBER OF CONGRESS

Abigail D. Spanberger  
MEMBER OF CONGRESS

Mark Takano  
MEMBER OF CONGRESS

Bennie Thompson  
MEMBER OF CONGRESS

Rashida Tlaib  
MEMBER OF CONGRESS

Norma J. Torres  
MEMBER OF CONGRESS

David Trone  
MEMBER OF CONGRESS

Filemon Vela  
MEMBER OF CONGRESS

Bonnie Watson Coleman  
MEMBER OF CONGRESS

Jennifer Wexton  
MEMBER OF CONGRESS

Frederica Wilson  
MEMBER OF CONGRESS