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Summary:	<i>Questions and Answers related to COVID-19 and the Special Supplemental Nutrition Program for Women, Infants, and Children and the Food Distribution Programs</i>
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Body of guidance document follows.	

Supplemental Nutrition and Safety Programs

Special Supplemental Nutrition Program for Women, Infants, and Children

With the recent passage of the Families First Coronavirus Response Act (P.L. 116-127, “the Act”) to assist with the novel coronavirus (COVID-19) public health emergency, the Special Supplemental Nutritional Program for Women, Infants, and Children (WIC) received an increase in funding for the program as well as increased ability to provide States with the flexibilities they need to support mothers, infants and children that rely on WIC.

The Act provides \$500 million to WIC, available through September 30, 2021. USDA’s Food and Nutrition Service (FNS) will allocate available funding to all WIC State agencies in accordance with WIC regulatory requirements (see 7 CFR 246.16).

In addition, Section 2203 of the Act provides certain WIC statutory waiver authorities necessary in a public health emergency to encourage social distancing and reduce in-person visits to the WIC clinic. State agencies may request approval from USDA to:

- Waive the physical presence requirement for all individuals seeking certification or recertification in the WIC Program; and
- Defer anthropometric (i.e., height/length and weight) and bloodwork requirements which are used to determine nutritional risk.

Under Section 2204, State agencies also now have the opportunity to request a waiver or modification of WIC administrative requirements from USDA. Such requests may only be granted if the State agency (1) cannot meet regular program requirements due to COVID-19, and (2) such waiver or modification is necessary to provide assistance to WIC participants. USDA has the authority to provide waivers through September 30, 2020. State and local agency reporting requirements apply.

Frequently Asked Questions:

What are the WIC-specific provisions of the Act?

The Act provides \$500 million in additional funding for the WIC Program, available through September 30, 2021. Section 2203 of the Act further provides WIC with waiver authority of the statutory physical presence requirement (42 U.S.C. 1786(d)(3)(C)(i)) needed in a public health emergency such as COVID-19 to reduce visits to the WIC clinic, while ensuring participants continue to receive much-needed WIC benefits. Section 2204 of the Act also allows State agencies to request waivers or modifications of WIC regulatory requirements if the requirements cannot be met by a State agency due to COVID-19 and the modification or waiver is necessary to provide assistance. A WIC State agency should contact its FNS Regional Office to request a waiver from the physical presence requirement or to request any other administrative waiver necessary to continue to provide WIC assistance to participants.

May WIC State or local agencies extend or rollover participant benefit issuance?

No. WIC State agencies may issue additional food benefits at a subsequent period of time, until the participant's certification period expires. For example, if a breastfeeding postpartum woman receives three months of food benefits in March, which would provide her benefits through May, then in April, the local agency could issue her another three months, which would ensure she had access to her benefits through August. Even though food benefits may be issued in advance, food benefits are only available to the participant during their dates of use. Food benefits cannot be rolled over into subsequent months and

Pursuant to the Congressional Review Act (5 U.S.C. §801 et seq.), the Office of Information and Regulatory Affairs designated this guidance as not major, as defined by 5 U.S.C. § 804(2).

multiple months of benefits cannot be provided in one month. Additionally, the last date use of benefit cannot be changed. For State agencies with offline electronic benefit transfer (EBT), State agencies may consider ways to allow participants to come into the clinic to receive benefits in a manner limiting contact. For remote benefit issuance, State agencies must follow mailing instructions as applicable and provided in regulations.

May WIC State agencies modify vendor monitoring schedules, so vendors are not penalized because they may be running out of items due to COVID-19?

Section 2204 of the Act provides USDA with the authority to waive regulatory requirements that a State agency cannot meet due to COVID-19 and is necessary to provide assistance. Under this authority, USDA may approve State waiver requests related to both federal and State minimum stocking requirements (MSR), and USDA may approve State requests to waive the on-site preauthorization visit to check MSR. Under current program rules, WIC State agencies cannot waive federal or State agency MSR even if the State agency requirements are more extensive than the federal minimum requirements. However, WIC State agencies may develop or modify vendor monitoring schedules as they see fit, as long as they conduct routine monitoring on at least five (5) percent of all WIC vendors authorized as of October 1 of the current fiscal year. Similarly, WIC State agencies may choose to forego reassessment of vendors for compliance with current selection criteria during a disaster or public health emergency. WIC State agencies may update their MSR, or develop disaster MSR policies and procedures at any time.

Food Distribution Division

During an emergency situation such as the COVID-19 outbreak, there are flexibilities available to States and Indian Tribal Organizations (ITOs) with a Presidential Declaration of a National Emergency. One of the main flexibilities available to States to assist individuals and families is household distribution. States can request approval to operate a Disaster Household Distribution (DHD) program through their FNS Regional Office which will provide them with a template to utilize for their request.

The President's Declaration of a National Emergency on March 13, 2020 due to COVID-19 enables FNS to approve State agencies' requests for USDA's DHD program for targeted areas to meet specific needs when traditional channels of food are unavailable and not being replenished on a regular basis. DHD provides boxes of foods to households using existing inventories of USDA-purchased foods. Existing TEFAP inventories should be utilized to operate a disaster household distribution including orders that have already been placed and are scheduled for delivery. Replacement foods will not be available until the next quarter at the earliest. A plan outlining the scope of the distribution must be submitted and

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approved by FNS in advance. The plan must describe the scope of the program and be targeted to high need areas in the State. .

State agencies who have a high-need area with disrupted access to food located in their State should contact their USDA FNS Regional Office to receive information about how to apply for a DHD. It is expected that State Agencies will also continue the operation of USDA's existing food assistance programs, including The Emergency Food Assistance Program (TEFAP), the

Commodity Supplemental Food Program (CSFP) and the Food Distribution Program on Indian Reservations (FDPIR).

The Act provides an additional \$400 million for TEFAP, which provides USDA-purchased food to state agencies for distribution to eligible recipient agencies such as food banks. The Act permits up to \$100 million of the \$400 million to assist TEFAP state and recipient agencies with costs associated with distributing a higher volume of food due to COVID-19.

Frequently Asked Questions:

Q: How can a State Agency use inventories of USDA-purchased food to assist individuals impacted by COVID-19?

State agencies and ITOs administering USDA's Food Distribution Programs may use inventories of food to operate their existing programs or their child nutrition programs operating under waiver authority due to COVID-19. In addition, States and ITOs may request approval from FNS to distribute inventories of household-sized USDA food products to individuals impacted by the Presidential Emergency Declaration, regardless of residency or income. States and ITOs must contact their FNS Regional Office for any requests related to COVID-19 disaster household distribution prior to distributing food.

Q: What does a State Agency or Indian Tribal Organization need to do to apply to operate a disaster household distribution for COVID-19?

State agencies and ITOs administering USDA's Food Distribution Programs must contact their Regional Office to receive information about how to apply, including the standard template, and approval. The organization's application must include required regulatory information including but not limited to, a description of the disaster/issue, the number of people requiring assistance, the period of time the program will operate, the quantity and types of foods needed and the number and location of sites. In addition, States and ITOs must ensure that they adhere to the reporting and recordkeeping requirements as outlined in regulation.