



Food and
Nutrition
Service

May 18, 2020

SUBJECT: Request for WIC Flexibility in Response to COVID-19

1320
Braddock
Place
Alexandria,
VA
22314

TO: Cheryl Kennedy
Regional Administrator
Mountain Plains Regional Office

This letter is in response to the March 24, 2020 correspondence from Nebraska WIC requesting program flexibility in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) as a result of significant impacts to providing WIC Program services to participants due to COVID-19.

Nebraska WIC requested a waiver of the federal requirement that WIC vendor agreements are not to exceed 3 years. State agencies must enter into written agreements with all authorized vendors for a period not to exceed 3 years, as outlined in 7 CFR 246.12(h)(1)(i). Pursuant to the authority granted in section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127), USDA's Food and Nutrition Service (FNS) approves this waiver request through **June 30, 2020** and in the following way:

- Extensions of an expiring 3 year agreement must not exceed 1 year and must meet all other federal requirements related to WIC vendor agreements, as well as any applicable State requirements.

Given the recommendations by the Centers for Disease Control and Prevention to control the impact of the COVID-19 epidemic through means of social distancing, USDA FNS understands that the WIC vendor reauthorization process is staff intensive and may require WIC and store employees to interact and creates an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants.

This waiver would allow the State agency to postpone some vendor reauthorization actions by extending expiring vendor agreements by 1 year. This waiver is only applicable to regulations at:

- 7 CFR 246.12(h)(1)(i), which requires that vendor agreements must not exceed 3 years.

Nebraska WIC will fully inform vendors of agreement extensions and terms, as appropriate. Nebraska WIC is reminded that it is still required to proactively manage vendors throughout the authorization period; this waiver does not remove those requirements.

The waiver authority of P.L. 116-127 requires, at section 2204(b)(1), that the State agency submit a report which includes a summary of the use of this waiver and a description of whether this waiver resulted in improved services to women, infants, and children. The State agency shall provide the Regional Office with this report no later than 1 year after the date of approval.

USDA FNS appreciates Nebraska WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to women, infants, and children in need.

Sincerely,

A handwritten signature in black ink that reads "Sarah Widor". The signature is written in a cursive, flowing style.

SARAH WIDOR
Director
Supplemental Food Programs Division