



April 15, 2020

Food and  
Nutrition  
Service

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

**TO:** William Ludwig  
Regional Administrator  
Southwest Regional Office

1320  
Braddock  
Place  
Alexandria,  
VA  
22314

This letter is in response to the March 25, 2020 correspondence from Cherokee Nation of Oklahoma 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.

Cherokee Nation of Oklahoma WIC requested a waiver of the federal requirement that the State agency must ensure that no more than a three month supply of food instruments is issued at any one time to any participant, parent or caretaker of an infant or child participant, or proxy, as outlined by 7 CFR 246.12(r)(5). 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 **May 31, 2020**.

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 normal offline electronic benefit transfer (EBT) benefit issuance procedures, which often involve contact between participants and clinic staff, create an undesirable risk. This waiver removes a requirement that could prevent or impede the provision of essential Program services to participants.

This waiver allows Cherokee Nation of Oklahoma WIC to issue up to four months of WIC benefits on electronic benefit transfer (EBT) cards at one time. This waiver is only applicable to regulations at:

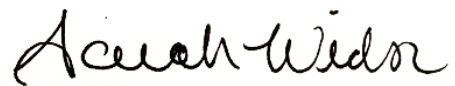
- 7 CFR 246.12(r)(5) which requires the State agency to ensure that no more than a three month supply of food instruments is issued at any one time to any participant, parent or caretaker of an infant or child participant, or proxy.

Cherokee Nation of Oklahoma WIC will fully inform participants that they are being issued benefits for four months at one time, and will provide nutrition education, as appropriate.

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 Cherokee Nation of Oklahoma 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 style with a large initial "S" and a long, sweeping underline.

SARAH WIDOR  
Director  
Supplemental Food Programs Division