



Food and
Nutrition
Service

April 17, 2020

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

1320
Braddock
Place
Alexandria,
VA
22314

TO: William Ludwig
Regional Administrator
Southwest Regional Office

This letter is in response to March 25, 2020 correspondence from Texas 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.

Texas WIC requests a waiver of section 17(i)(3)(A)(ii)(I) of the Child Nutrition Act of 1966 (CNA) (42 U.S.C. 1786(i)(3)(A)(ii)(I)), which places a three percent cap on the amount allocated to the State agency that may be expended for allowable nutrition services and administration (NSA) expenses incurred by the State agency during the subsequent fiscal year. USDA's Food and Nutrition Service (FNS) does **not** have the authority to waive this statutory provision under section 2204(a)(1) of the Families First Coronavirus Response Act (P.L. 116-127). FNS' waiver authority only applies to regulatory requirements issued under section 17 of the CNA.

USDA FNS allocated the maximum amount of funds for April 2020 through the WIC funding formula to ensure all State agencies have sufficient food and NSA funds on hand to address additional costs that may arise as a result of emergency operations. Remaining prior year unspent funds will be made available during the July 2020 reallocation to State agencies.

USDA FNS appreciates Texas WIC's commitment to addressing the operational challenges impeding the delivery of WIC benefits to low-income, at risk, women, infants and children.

Sincerely,

SARAH WIDOR
Director
Supplemental Food Programs Division