



EMERGENCY LEGAL PREPAREDNESS & RESPONSE Fact Sheet

Federal Emergency Food Security Measures in Response to the COVID-19 Pandemic


Background

The [Families First Coronavirus Response Act \(FFCRA\)](#) was passed on March 18, 2020. FFCRA contains important measures that enhance the effectiveness of federal nutrition programs during the coronavirus pandemic. This reference highlights key provisions of FFCRA and USDA actions that impact the Child Nutrition Programs, the Supplemental Nutrition Assistance Program (SNAP), and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). When possible the relevant section of FFCRA is provided. Links to key USDA guidance documents are also provided.

Child Nutrition Programs

[22 million](#) students participate in the free and reduced-price lunch program and [12.5 million](#) students rely on the free and reduced-price breakfast program. With the pandemic forcing the closure of schools, these children are at greater risk for food insecurity. However, several child nutrition programs are active when schools experience unexpected closures. These programs include the [Summer Food Service Program \(SFSP\)](#), the [Seamless Summer Option \(SSO\)](#), and the [Child and Adult Care Food Program \(CACFP\)](#). In response to the pandemic, the USDA and FFCRA have taken important steps to adapt these programs to protect children from food insecurity.

- **Non-congregate Meal Waivers:** Prior to the passage of the FFCRA, the USDA approved individual waivers from all 50 states, DC, Guam, Puerto Rico, and the Virgin Islands, enabling SFSP and SSO sponsors to serve meals in non-congregate settings during the pandemic. In addition, jurisdictions that have secured this waiver can deliver meals to students' homes. The USDA has issued guidance on the [parameters of meal delivery](#).
- **[Nationwide Non-congregate Feeding Waiver \(Section 2202\):](#)** FFCRA provides the USDA with the authority to grant a nationwide waiver of the congregate feeding requirement. This power has been




activated and the waiver remains in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.

- **Nationwide Meal Pattern Waiver (Section 2202)**: Pursuant to FFCRA, the USDA has provided nationwide approval for states to locally waive meal pattern requirements. [Meal pattern requirements](#) dictate what foods can be served to students and vary based on the age of the students. This waiver remains in effect until April 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.
- **Nationwide Mealtimes Waiver (Section 2202)**: To facilitate the serving of student meals during the pandemic, the USDA has issued a nationwide waiver to the normal mealtime requirements. For example, lunch is normally required to be served between 10 am and 2pm (7 C.F.R. §210.10). This waiver remains in effect through June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.
- **Nationwide Afterschool Activity Waiver (Section 2202)**: Normally afterschool snacks and meals must be served in a structured environment with an educational or enrichment purpose. Pursuant to FFCRA, the USDA has issued a nationwide waiver of this requirement. This waiver is in effect through June 30, 2020, or upon expiration of the federally declared public health emergency, whichever is earlier.
- **Nationwide Parent/Guardian Meal Pickup Waiver**: Normally meals must be served directly to eligible children. However, to facilitate distribution of meals during the pandemic, the USDA has waived this requirement. This waiver will allow parents and guardians to pick up meals for their children. This waiver remains in effect through June 30, 2020, or until expiration of the federally declared public health emergency, whichever is earlier.
- **List of COVID-19 waivers issued for child nutrition programs.**
- **Feeding Program Partners**: *On March 17, 2020, the USDA announced a partnership with the Baylor Collaborative on Hunger and Poverty, McLane Global, PepsiCo, and others to deliver nearly 1,000,000 meals to rural students from select schools that have been closed due to the pandemic.*

Supplemental Nutrition Assistance Program

- **Emergency Allotments (Section 2302)**: States can request from the Secretary of Agriculture emergency allotments for households participating in the SNAP program to address temporary food needs resulting from the pandemic. The increase in a household's allotment cannot exceed the maximum monthly allotment for a household of its size. A list of the states that have received emergency allotment waivers is available [here](#).
- **Pandemic Electronic Benefit Transfer (Section 1101)**: FFCRA allows states to provide additional SNAP allotments to families whose children would receive free or reduced-price meals if not for school closures caused by the pandemic. This provision allows the awarding of additional funds if the school has been closed at least 5 consecutive days as a result of the pandemic emergency. The additional household allotment amount can be no less than the value of school meals at the free meal rate for each eligible child in the household. States must submit their plans for this supplemental allotment to the Secretary of Agriculture for Approval.

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- **Partial Waiver of the Able Bodied Adult without Dependent (ABAWD) Time Limits (Section 2301):** Individuals between the ages of 18 and 49, who are able to work and do not have dependents are subject to special work requirements to receive more than 3 months of SNAP benefits in a 3 year period. These individuals are required to work at least 80 hours a month. This requirement can be met by compensated work, certain volunteer programs, participation in the SNAP Employment and Training program, or another government-run work program.

FFCRA provides a partial waiver to the ABAWD time limits. States may not enforce the ABAWD time limit from April 1, 2020, through one month after the termination of the public health emergency declaration by the Secretary of Health and Human Services based on the outbreak of COVID-19, unless certain conditions are met. If a state offers an ABAWD a slot in a work or workfare program, including a SNAP Employment and Training program, and the individual refuses this opportunity without good cause, then the state can enforce the ABAWD time limit.

- **Waiver of certain in-person interview requirements (Section 2302):** FFCRA allows states to waive certain in-person interview requirements for SNAP applications and recertification. These flexibilities are currently in place through May 2020.
- **A list of all the COVID-19 waivers issued for SNAP.**

Special Supplemental Nutrition Program for Women, Infants and Children (WIC)

- **Additional Funding for WIC:** FFCRA provides WIC with \$500 million to remain available through September 30, 2021, for increases in program participation.
- **Physical Presence Waivers (Section 2203):** FFCRA allows states to waive the requirement that participants and applicants physically come into the clinic to enroll or re-enroll. It also allows for the deferral of in-person nutritional risk assessments.
- **Remote Benefit Issuance Waivers (Section 2203):** The USDA may grant waivers to states for the requirement that participants physically come into the clinic to pick up WIC Electronic Benefit Transfer cards and/or paper coupons.
- **Food Package Substitution Waivers (Section 2204):** In response to the potential shortage of WIC-prescribed foods, the USDA may grant waivers to permit appropriate substitutions for these foods.
- Lists of all COVID-19 waivers issued for WIC to [states](#) and to [tribal nations](#).

SUPPORTERS



Robert Wood Johnson Foundation

The Network for Public Health Law is a national initiative of the Robert Wood Johnson Foundation. The Network provides information and technical assistance on issues related to public health laws and policies.



This document was developed by Mathew Swinburne, JD, Associate Director of the Network for Public Health Law - Eastern Region. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel in your state.

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