



COVID-19 Response Issue Brief

Feeding People in their Homes: Opportunities to Bolster Home Food Delivery for Vulnerable Communities

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Emily Broad Leib, Erika Dunyak, Ariel Ardura, Anna Dimitrijevic, Suzanne Donahue, and Jesse Lazarus

Across the United States, individuals are being told to implement social distancing protocols to slow the spread of novel coronavirus (COVID-19). Increasingly, cities and states are issuing shelter in place orders to keep individuals in their homes. Recognizing that food is essential, these orders generally allow for individuals to leave their homes to gather food and other household supplies. However, seniors, individuals with compromised immune systems, and individuals experiencing symptoms of COVID-19 are being advised to stay at home. These individuals need access to food delivery. Further, areas hardest hit by COVID-19 have a vested interest in making it easy for people to stay at home and avoid crowded grocery stores.

Many restaurants and grocery stores are still engaging in home delivery. While purchasing these products does not pose a problem for those with stable incomes, vulnerable individuals and families are in need of free or low-cost home food deliveries. This issue brief details opportunities in non-crisis food assistance programs, disaster programs, and food donation programs through which the federal government and state governments

could facilitate food delivery during the COVID-19 pandemic. It will describe where modifications are needed to allow for food delivery, where existing programs could be bolstered, and where there are opportunities for new programs.

Supporting Home Delivery within Existing Food Assistance Programs

Supplemental Nutrition Assistance Program (SNAP)

SNAP is the largest food assistance program in the United States and in 2020, prior to the COVID-19 outbreak, it was supporting approximately 36 million people per month.¹ This number will increase significantly in the current COVID-19 crisis as the economic fallout leads to loss of jobs for many. Congress has already implemented changes to SNAP to respond to some of the new challenges associated with the pandemic; namely, by eliminating the work requirements that typically apply for able-bodied adults without dependents



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(ABAWDs) and providing temporary benefit increases.² However, there are additional steps Congress and USDA can take to eliminate barriers to home food delivery using SNAP benefits.

Prior to 2014, SNAP benefits were not able to be used for online purchases. The 2014 Farm Bill authorized a pilot program for online SNAP redemption, and the pilot launched in early 2020.³ Although USDA was not able to implement the program prior to passage of the 2018 Farm Bill, Congress authorized a full roll-out of SNAP for online retailers in the 2018 Farm Bill.⁴ In the current pilot program, online SNAP redemption is currently available in five states (Alabama, Iowa, New York, Oregon, and Washington) and only with limited retailers in each state.⁵ To respond to the current crisis, **USDA should implement online purchasing with SNAP as authorized in the 2018 Farm Bill in all jurisdictions as quickly as possible.**

Many brick-and-mortar grocery retailers are offering local delivery in light of the current crisis. However, “[f]ood retailers may not accept [SNAP benefits] *before* delivering food.”⁶ Typically, if a grocery retailer delivers, retailers take payment before delivery. **Congress should remove the SNAP restriction on payment prior to delivery.**

Even with the current rules, there are some ways to avoid the advance payment restriction. First, the restriction does not apply to cooperative retailers who are selling to cooperative members.⁷ Cooperative retailers could begin accepting online SNAP payments immediately. Additionally, all retailers can avoid the restriction on advance payment by accepting payment upon or after delivery. **USDA could facilitate accepting benefits upon delivery by making it possible for all retailers or delivery drivers to process EBT at the time of drop-off on a mobile-based app.** The 2018 Farm Bill authorized demonstration projects in app-based SNAP redemption.⁸ Currently, the National

Association of Farmers Market Nutrition Programs collaborates with USDA to provide access to app-based SNAP redemption at farmers’ markets,⁹ though the law would allow for this technology at any food retailer.

Further, **either state agencies or USDA reimbursement rates should cover delivery fees during this crisis.** This payment could go to the beneficiary or directly to the online retailer, who could then offer free delivery on SNAP purchases. Paying for delivery fees will facilitate people staying in their homes and slowing the spread of COVID-19 by ensuring SNAP recipients have equal spending power whether ordering online or going into a store.

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

WIC provides federal block grants to states to provide certain nutritious foods, nutrition education, and referrals to welfare and social services to low-income women and their young children.¹⁰ It is the third largest direct nutrition assistance program and has wide reach across the country: it served about 6.9 million participants per month in 2018, including almost half of all infants born in the United States.¹¹ WIC participants use their program benefits to obtain certain WIC-eligible foods, such as milk, eggs, fruits and vegetables, and breakfast cereal.¹² As part of the Families First Act, Congress just authorized an increased \$500M for WIC through September 2021.¹³ Federal regulations grant WIC state agencies the ability to deliver nutrition assistance to program participants via retail distribution, direct distribution from WIC centers, and home delivery,¹⁴ although all states currently rely almost exclusively on retail distribution.¹⁵

Since home delivery is already authorized under federal law, **state agencies should utilize their existing authority to initiate home delivery programs.** Home food delivery systems are



systems in which state agencies procure WIC foods in bulk and deliver those foods to WIC participants' homes.¹⁶ Implementing this system of government bulk orders would be especially useful for WIC participants during the pandemic, as it would ensure that they receive the WIC-eligible staple items that may be scarce at retail stores. To manage delivery, states can contract with "home food delivery contractors," defined under WIC regulations broadly as business entities that contract with state agencies to deliver authorized supplemental foods.¹⁷ States can contract with community organizations or tech businesses with robust delivery systems to deliver directly to WIC participants. To help state agencies organize these programs quickly and effectively, **the USDA should publish guidance on how to establish home food delivery systems.** Vermont, which used WIC home food delivery in some areas of the state until 2016, can provide a model for these systems. The Vermont WIC agency employed a private company to provide biweekly deliveries and utilized "proof of delivery" forms to keep records of what deliveries were made and to whom.¹⁸

Similar to SNAP, WIC participants should be able to use their benefits online and over the phone to facilitate home delivery. WIC benefits are not currently redeemable online. **Congress should amend WIC's authorizing statute, the Child Nutrition Act of 1966, to allow online redemption.** Additionally, to assist WIC participants who have limited technological literacy or access to the internet, **Congress should allow phone orders** using WIC EBT card numbers.¹⁹ WIC participants can then use their WIC dollars directly with vendors for home delivery.

Federal laws require states to transition to WIC EBT this year.²⁰ Over half of WIC state agencies already have implemented EBT statewide, and the remaining agencies are required to implement WIC EBT systems by October 2020.²¹ Where possible, **state agencies should expedite**

their implementation of WIC EBT to make online and phone sales possible.

National School Lunch Program (NSLP)

Schools are closed in almost all states either statewide or at the district level to prevent the spread of COVID-19. To address the food access needs of students that rely on schools for up to two meals per day, USDA has provided a blanket waiver to allow all school districts to operate their summer meals programs: Summer Food Service Program (SFSP) and the Seamless Summer Option (SSO).²² SFSP is able to be implemented by school districts, government agencies, and nonprofit and community organizations; SSO is only able to be implemented by schools.²³ Through these programs, meals can be distributed at schools or at various community sites. However, under current law, these Summer programs are only available in areas where at least 50% of students qualify for free and reduced price (FRP) school meals.²⁴ To expand access to meals during this crisis, **Congress should eliminate the 50% FRP threshold requirement for SFSP and SSO to ensure all districts that provide meals to their FRP students will be reimbursed.**

During the COVID-19 crisis, USDA has authorized school food authorities that have state authorization to provide meal delivery to students' homes, beyond the grab-and-go model that many sites are offering.²⁵ If a district has state authorization, school staff, volunteers, other organizations, or meal and delivery services can deliver food to individual homes. USDA maintains very clear guidance on its website about opportunities for delivery of school meals: fns.usda.gov/sfsp/covid-19-meal-delivery. This option is only available to school districts due to privacy concerns of protected student information. **States should promptly approve interested school districts to deliver food through SFSP or SSO.** Further, to keep the costs down and reduce the number of deliveries, USDA issued a nationwide waiver of meal times requirements.²⁶ **State agencies should opt-in to**



this waiver from USDA for the time restrictions for meal service.²⁷ Authorizing delivery of multiple meals at once, i.e., delivery of a week's worth of meals at one time, will permit states to more efficiently use delivery resources.

Schools can deliver meals using school buses, by partnering with the private sector to use delivery trucks, or through individual or organizational volunteers. USDA is modeling a public-private partnership, through which it will work with the private sector partners PepsiCo, McLane Global and the Baylor Collaborative to deliver meals to students out of school in rural areas.²⁸ Several school districts are using their school buses to deliver school meals to homes and bus stops.²⁹ However, these solutions are costly, especially in less densely populated areas. **Congress should authorize additional funds to the NSLP to reimburse these expenses.**

Child and Adult Care Food Program (CACFP)

CACFP provides reimbursement for meals and snacks supplied to eligible children and adults at daycare and adult day care centers, as well as for meals served to children at afterschool programs and emergency shelters.³⁰ In 2018, CACFP served more than 4.3 million children and more than 131,000 adults.³¹ USDA funds the program through grants to states, and state educational or health agencies administer the food distribution at sites. CACFP is a vital addition to the food assistance programs described above, as it serves two vulnerable populations: very young children in daycare centers and older adults in adult care centers. As daycare centers in several states are shut down by state orders,³² care is needed to ensure infants and children that rely on CACFP meals and snacks receive those. Similarly, older adults are at high risk and those that cannot attend their usual day centers will be in need of food.

The program generally requires that meals funded through CACFP must be provided on-site

at the eligible care centers. Congress and USDA have already passed a sweeping nationwide waiver to CACFP requirements, including congregate requirements,³³ meal pattern requirements,³⁴ and after-school activity requirements,³⁵ in response to COVID-19. **States should opt-in to these waivers as quickly as possible.**

Home Delivery Through Disaster-Specific Programs

Pandemic SNAP (P-SNAP)

To fill the gaps when schools close, Congress just authorized the Pandemic SNAP (P-SNAP) program to provide EBT benefits to students, and potentially their families, who receive free and reduced price (FRP) school meals.³⁶ States must elect to participate in the program and submit plans to USDA for approval,³⁷ USDA has issued a guidance on state plans.³⁸ **All states should submit plans as quickly as possible so that they can begin enrolling individuals.**

In states that are approved to operate P-SNAP, each household with at least one student on FRP school meals will be immediately eligible for EBT benefits to account for lost school meals. Households will still need to complete an application with their state agency to enroll. Households that already receive SNAP benefits will receive increased allotments; households that are not currently on SNAP will be issued new benefits. Benefit levels are set by the Secretary and cannot be less than the reimbursement rate of 5 school meals (which is just above \$26/week). **USDA should set this reimbursement level as high as possible and encourage states to distribute one month's worth of benefits (at least \$104 per child) to families as soon as possible.** This bulk payment will help families prepare for social distancing and, potentially, shelter-in-place policies. **Further, USDA should provide technical**



assistance to states in submitting P-SNAP plans and approve plans as quickly as possible.

Disaster SNAP (D-SNAP)

After a “major disaster” declaration, the federal government can provide three types of assistance: individual assistance, public assistance, and hazard mitigation assistance.³⁹ One program under individual assistance is Disaster SNAP (D-SNAP). D-SNAP allows for broad state and local government discretion to deliver food and benefits for purchasing food to those affected by the disaster.⁴⁰

D-SNAP provides the maximum one month allotment (currently \$646 for a family of four in the lower 48 states) to households on SNAP and some households who might not otherwise qualify for SNAP.⁴¹ Generally, this is only a one-time payment as the benefit period is only 30 days, but could be extended in cases of extraordinary circumstances, such as a pandemic. Any household that has experienced adverse effects from the disaster may qualify for D-SNAP benefits. The gross income test for D-SNAP is distinct from traditional SNAP and takes into account any disaster-related expenses.⁴²

On March 13, 2020 President Trump declared the COVID-19 crisis a national emergency.⁴³ That emergency declaration enabled flexibility in how the Secretary of Health and Human Services administers various programs. However, that declaration does not trigger availability of any individual assistance programs, including D-SNAP.⁴⁴ On March 20, 2020, FEMA made an unprecedented “major disaster” declaration for the state of New York in response to the COVID-19 pandemic.⁴⁵ However, the only individual assistance currently available to New Yorkers is crisis counseling.⁴⁶ **FEMA should expand the New York individual assistance to include D-SNAP.**

To make D-SNAP available *nationwide*, **the President should issue a national declaration of “Major Disaster assistance.”** Once the President

makes the declaration, states should work with USDA and FEMA to make D-SNAP benefits available to their communities.

The Federal Emergency Management Agency (FEMA) and the National Guard

FEMA is an adept logistics agency with a history of effectively collaborating with private providers, including food banks and the Red Cross. **The federal government should mobilize FEMA in communities that are experiencing high rates of COVID-19 and have high population density to aid in door-to-door food distribution logistics.** FEMA could distribute food purchased through nutrition programs, described above, and also food donated through food banks and emergency food programs, described below.

Similarly, the National Guard is often deployed into disaster regions to assist in basic needs delivery.⁴⁷ Several states, including California, New York, and Massachusetts have deployed the National Guard to assist with COVID-19. In particular, California requested the National Guard to assist food banks in food distribution.⁴⁸ **Other states should mobilize the National Guard to assist with food distribution and delivery in high need areas where many vulnerable individuals are in quarantine, social distancing, or under a shelter in place order.**

Home Delivery of Free Foods from Food Banks and Food Donations

Nonprofit Sector: Food Banks, Meals on Wheels, and Local Providers

Food banks and other nonprofit food recovery organizations that previously relied on sending food donations to local gathering places for the hungry, such as food pantries and soup kitchens, will need to revise their methods to respond to COVID-19 and the growing number of Americans who are staying in their homes. The need for this



services is great—prior to the COVID-19 crisis, food banks reported that one in seven Americans used their services each month,⁴⁹ and that number is growing as the economic fallout from COVID-19 increases the number of people out of work. While food pantries and soup kitchens will continue in-person service with social distancing protocols in place, many recipients will need to have their emergency foods delivered to their homes.

To conduct home food delivery, vehicles and drivers are needed. Federal and state governments can help to support a broad base of both paid drivers, for private and nonprofit organizations, and volunteers drivers, for those programs that have capacity to utilize volunteers. Some nonprofit organizations have seen that volunteers are interested in providing this support because no-contact deliveries allow them to provide a service in their communities while maintaining social distance. To encourage increased service by those volunteers conducting food deliveries working with food banks, food pantries, or soup kitchens, **Congress could offer tax benefits to volunteers who are using their own vehicles to make home deliveries.** Congress and state governments can offer support to both private sector and nonprofit sector to commission paid drivers and vehicles to ensure there is enough service for vulnerable individuals and families.

Food Banks, Food Pantries, and Soup Kitchens

Food banks, food pantries, and soup kitchens are expected to see unprecedented increases in demand. However, many food pantries and soup kitchens serve elderly and vulnerable populations who are being told to stay at home and thus cannot come to community sites to pick up their foods. Food banks and pantries thus are facing pressure to change their delivery methods to serve their recipients. At the same time, many food banks and food pantries report that the majority of volunteers are themselves elderly, and they are advising them to stay home rather

than come to volunteer, leading to crippling staffing challenges.⁵⁰

In response to increased demand and new challenges, more food will be routed to food banks in the coming weeks from USDA. In the Families First Act, Congress provided The Emergency Food Assistance Program (TEFAP) with \$400M in additional funds,⁵¹ more than doubling the \$322.3 million already appropriated for the program in 2020.⁵² Through TEFAP, USDA buys surplus commodities from producers nationally and distributes them to state TEFAP agencies in all states. Those state agencies, in turn, pass the commodities on to local Emergency Feeding Organizations (EFOs) - most commonly food banks - who distribute them to community organizations combating hunger.⁵³

In addition to providing in-kind food donations to states, TEFAP also provides administrative funds to states which can be used for storing and distributing TEFAP food.⁵⁴ These administrative funds can be used for transportation needs, which could include home delivery. **States should use these funds to collaborate with community-based food delivery organizations and provide home delivery of TEFAP foods to low-income recipients. Congress could provide more administrative support funding directed at helping with the additional costs of implementing home delivery of TEFAP foods and other emergency foods discussed below.**

Meals on Wheels

Meals on Wheels already provides meal delivery to homebound seniors.⁵⁵ As a national network of more than 5,000 community organizations, Meals on Wheels has the technical expertise to scale up and meet the needs of all seniors. The programs operate with both private and government funds. Any individual over 60 years old who is homebound is eligible for Meals on Wheels.⁵⁶ Meals on Wheels food deliveries can be free or paid on a sliding scale. In light of social distancing protocols for older Americans, this



could apply to all individuals over 60 years old during COVID-19. However, demand exceeds capacity for Meals on Wheels in many areas.

Congress has provided additional funding for Meals on Wheels through the Families First Act. The Act authorized \$250M in emergency funding for the Older American Act Nutrition Programs, \$160M of which is set aside for Home-Delivered Nutrition Services (“Meals on Wheels”)⁵⁷ Because older adults are at a higher risk of severe illness associated with COVID-19,⁵⁸ it is paramount that **Congress and USDA should continue to fund Meals on Wheels programs at whatever levels are needed to meet demand from vulnerable, low-income seniors.**

Community-Based Food Delivery Organizations and Food Recovery Matching Technology

Many existing local organizations also provide grocery or meal delivery services. For example, Community Servings in the Greater Boston area delivers 650,000 meals to 2,300 critically ill individuals annually.⁵⁹ These organizations already have staff and volunteers trained in food safety, and have the vehicles to conduct deliveries in local areas. Such organizations may be able to increase service with funding from state or federal governments. Supporting these organizations will support local economies and leverage local expertise of community organizations.

It could be costly for these organizations to meet the growing need. In addition to increased food purchasing, staff labor, and drivers; community organizations will need increased access to equipment such as refrigerated vehicles and kitchen equipment. **Congress should provide additional funds to support the increased expenses of community-based food delivery organizations.** Congress could allocate this to states in a block grant. States are best positioned to identify the relevant on-the-ground organizations to leverage the additional funding.

In addition, a growing number of food recovery technology solutions match food donors with volunteer drivers available to conduct deliveries of donated food to food recovery organizations. Such technology solutions include Food Rescue Hero, Food Connect, Replate, and Food Rescue US, among others. These organizations help to ensure that any surplus food that is available is quickly picked up and finds its way to organizations that can distribute it to those in need rather than it being wasted. While these technologies were generally created to conduct business-to-business deliveries (from food donor to food recovery or emergency feeding organization), these technologies can be modified to conduct home deliveries of donated foods. Due to upheavals in the supply chains, there are many businesses that are suddenly finding themselves with extra food, including universities that are moving to remote learning, restaurants that have limited demand due to prohibitions on on-site dining, event venues, and hotels. The technology can help pick up from these businesses, and can also be used to pick up from food pantries and deliver to households, if there are recipients who cannot go to pantries in person.

These food recovery technology organizations need funding to support the change in their technology in order to route food directly to homes instead of to organizations, and to expand the technology to support areas that have many individuals in need. Financial support to acquire vehicles, pay drivers, or provide a tax benefit to volunteers would help increase the drivers available to make these deliveries. Similar to supporting community-based organizations, **Congress should allocate to state governments a block grant to support food recovery technology organizations.**

For-Profit Sector: Opportunities for Public-Private Partnerships

Public-private partnerships, such as the new partnership between USDA and private companies to support students in rural areas



announced by USDA on March 17, can utilize private infrastructure to bring public benefit. The collaboration's members, PepsiCo, McLane Global and the Baylor Collaborative, will begin meal distribution to students in rural areas without access to SFSP or SSO sites starting the week of March 22.⁶⁰ Each delivered box will contain five days' worth of shelf-stable, nutritious meals. USDA will reimburse the collaboration partners at the same rate as it would an SFSP site. **USDA should expand this partnership and find private sector partners that can assist with home delivery of meals in areas with high illness rates to support social distancing in the most-impacted areas.**

At the local level, businesses in the food delivery sector such as GrubHub, Uber Eats, DoorDash, Instacart, and Amazon could be engaged as partners to collect food from food banks and their agencies and deliver food to vulnerable homes. On March 20, New York City Mayor, Bill de Blasio, announced a partnership with DoorDash to deliver meals to homes with "medically fragile students."⁶¹ Private sector food delivery businesses are still conducting deliveries for paying customers, so they already are training their drivers with the proper safety protocols. Plus, they have the software set up to place orders and identify logistics for deliveries, which can help get food to those in need more

quickly. However, many of these businesses are already seeing a huge increase in demand as many more paying customers are practicing social distancing and increasing food deliveries rather than on-site purchases. **State governments should reach out to these private food delivery companies to see if they are willing to provide support for delivery to vulnerable households, either on a pro bono or low cost basis. Congress could allocate funds to support such state and local partnerships.**

Conclusion

As more individuals are staying at home—either because they are high risk categories, are quarantining due to being ill, are practicing social distance, or are requested to stay at home due to shelter in place orders—home delivery of food assistance is becoming a necessity. For vulnerable and low-income individuals and families, special steps are needed to ensure access to food while in the home. Laws and policies that create barriers for home delivery of food assistance program benefits should be removed and funding should be offered to support deliveries of donated foods. There are many opportunities for local, state, and federal government to enable delivery of food to needy individuals through the programs outlined in this issue brief.

ENDNOTES

¹ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., *Supplemental Nutrition Assistance Program: Number of Persons Participating* (Feb. 14, 2020), <https://fns-prod.azureedge.net/sites/default/files/resource-files/29SNAPcurrPP-2.pdf>.

² *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 2301-2302.

³ *Agricultural Act of 2014*, P.L. 113-79 § 4011(b) (codified at 7 U.S.C. 2016(k)).

⁴ *Agricultural Improvement Act of 2018*, P.L. 115-334 § 4001 (codified at 7 U.S.C. 2016(k)).

⁵ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., *Online Purchasing Pilot* (Jan. 29, 2020), <https://www.fns.usda.gov/snap/online-purchasing-pilot>.

⁶ 7 CFR 278.2(e) (2017) (emphasis added).

⁷ 7 CFR 278.2(e).

⁸ *Agricultural Improvement Act of 2018*, P.L. 115-334 § 4006(e) (codified at 7 U.S.C. 2016(h)(14)).

⁹ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., *Participation Assistance for Farmers and Farmers' Markets – Grant Program* (Jul. 15, 2019), <https://www.fns.usda.gov/snap/farmer-producer/farmers-market-grant-program>.

¹⁰ 42 U.S.C. § 1786 (2020); U.S. DEP'T OF AG. FOOD AND NUTRITION SERV., *About WIC - WIC at a Glance*, USDA.gov (2020), <https://www.fns.usda.gov/wic/about-wic-wic-glance>.



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- ¹¹ U.S. DEP'T OF AG. ECON. RES. SERV., *WIC Program*, USDA.GOV (Aug. 20, 2019), <https://www.ers.usda.gov/topics/food-nutrition-assistance/wic-program/>.
- ¹² See U.S. Dep't of Agric. Food and Nutrition Serv., *WIC Food Packages – Regulatory Requirements for WIC-Eligible Foods*, USDA.GOV (2020), <https://www.fns.usda.gov/wic/wic-food-packages-regulatory-requirements-wic-eligible-foods>.
- ¹³ *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 3.
- ¹⁴ 17 C.F.R. §246.12(b) (“The State agency may operate up to four types of food delivery systems under its jurisdiction—retail, home delivery, direct distribution, or EBT”).
- ¹⁵ As of 2015, Vermont was the only state using home delivery and direct distribution was used in Mississippi and Illinois. See VICTOR OLIVEIRA AND ELIZABETH FRAZAO, *THE WIC PROGRAM: BACKGROUND, TRENDS, AND ECONOMIC ISSUES* 10 (2015), https://www.ers.usda.gov/webdocs/publications/43925/50999_eib134.pdf?v=0. Vermont transitioned to retail delivery in 2016. See Melody Bodette, *As WIC Nutrition Program Switches to Cards, Vermont's Truck Makes Its Last Deliveries*, VERMONT PUBLIC RADIO (Apr. 26, 2016), <https://www.vpr.org/post/wic-nutrition-program-switches-cards-vermonts-truck-makes-its-last-deliveries#stream/0>.
- ¹⁶ See 17 C.F.R. §246.12(m).
- ¹⁷ A “home food delivery contractor” is defined as “a sole proprietorship, partnership, cooperative association, corporation, or other business entity that contracts with a State agency to deliver authorized supplemental foods to the residences of participants under a home food delivery system.”. 17 C.F.R. §246.2.
- ¹⁸ See HARVARD HEALTH LAW & POL'Y CLINIC HARVARD MISS. DELTA PROJECT, *MISSISSIPPI WIC FOR THE 21ST CENTURY* 8 (2011), <https://www.chlpi.org/wp-content/uploads/2013/12/WIC-FINAL.pdf>.
- ¹⁹ Congress would need to amend WIC's authorizing statute to allow for the usage of WIC benefits in purchases “from” retail stores, rather than just “at” retail stores. 42 U.S.C. §1786(h)(12)(B)(i).
- ²⁰ The Healthy, Hunger-Free Kids Act of 2010 amended WIC's authorizing statute, the Child Nutrition Act of 1966 to require all state agencies to implement WIC by October 1st, 2020. See 42 U.S.C. §1786(h)(12)(B)(i).
- ²¹ U.S. DEP'T OF AGRIC. FOOD AND NUTRITION SERV., *Request for Information: WIC National Universal Product Code Database Next Steps* (Jan. 30, 2020), <https://www.federalregister.gov/d/2020-01696/p-8>.
- ²² *Families First Coronavirus Response Act*, P.L. 116-127 (2020), §2102; U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *FNS Response to COVID-19* (Mar. 19, 2020), <https://www.fns.usda.gov/disaster/pandemic/covid-19>.
- ²³ U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., *Comparison of Programs SFSP/NSLP/Seamless Option* (Jan. 22, 2015), https://fns-prod.azureedge.net/sites/default/files/SFSP_SeamlessComparisonChart.pdf.
- ²⁴ 42 U.S.C. § 1761(a)(1)(A)(i)(III)(bb) (2020).
- ²⁵ U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *COVID-19 Summer Food Service Program (SFSP) and Seamless Summer Option (SSO) Meal Delivery Using Existing Authority* (Mar. 17, 2020), <https://www.fns.usda.gov/sfsp/covid-19-meal-delivery>.
- ²⁶ U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *CN COVID-19 Meal Times Nationwide Waiver* (Mar. 20, 2020), <https://www.fns.usda.gov/resource/cn-covid-19-meal-times-nationwide-waiver?eType=EmailBlastContent&eld=40885e04-cdde-42ea-98ca-743f1f149f2a>.
- ²⁷ 7 C.F.R. § 225.16(c).
- ²⁸ U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *USDA Announces Feeding Program in Partnership Response to COVID-19* (Mar. 17, 2020), <https://www.usda.gov/media/press-releases/2020/03/17/usda-announces-feeding-program-partnership-response-covid-19>.
- ²⁹ Cory Turner and Anya Kamenetz, *Schools Race To Feed Students Amid Coronavirus Closures*, NPR.ORG (March 20, 2020), <https://www.npr.org/2020/03/20/818300504/schools-race-to-feed-students-amid-coronavirus-closures>.
- ³⁰ 42 U.S.C. § 1766 (2020)
- ³¹ U.S. DEP'T OF AGRIC. ECON. RESEARCH SERV., *Child and Adult Care Food Program* (Aug. 19, 2019), <https://ers.usda.gov/topics/food-nutrition-assistance/child-nutrition-programs/child-and-adult-care-food-program/>.
- ³² Order Temporarily Closing All Child Care Programs and Authorizing the Temporary Creation and Operation of Emergency Child Care Programs, Commonwealth of Mass., Off. Of the Governor (Mar. 18, 2020), <https://www.mass.gov/doc/march-18-2020-early-education-and-care-order/download>.
- ³³ *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 2202(b).
- ³⁴ *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 2202(c).
- ³⁵ U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *CN COVID-19 After School Activity Waiver* (Mar. 20, 2020), <https://www.fns.usda.gov/resource/cn-covid-19-afterschool-activity-waiver>
- ³⁶ *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 1101. The program was first authorized in 2008, but no state has ever implemented it. *Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2010*, P.L. 111-80 § 746.
- ³⁷ *Families First Coronavirus Response Act*, P.L. 116-127 (2020), § 1101.
- ³⁸ U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., *STATE PLAN FOR PANDEMIC EBT (P-EBT)* (MAR. 20, 2020).
- ³⁹ FED. EMERGENCY MANAGEMENT AGENCY, *The Disaster Declaration Process* (Feb. 3, 2020), <https://www.fema.gov/disaster-declaration-process>.



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