

**Congress of the United States**  
Washington, DC 20510

March 26, 2020

Mr. Brandon Lipps  
Deputy Under Secretary  
Food, Nutrition, and Consumer Services  
United States Department of Agriculture  
1400 Independence Avenue N.W.  
Washington, DC 20250

Dear Mr. Lipps:

We write to urge you to immediately grant additional flexibility to the Massachusetts Department of Elementary and Secondary Education (DESE) and other Massachusetts meal providers as they administer and modify child nutrition programs to meet the needs of Massachusetts families during the coronavirus public health emergency. Schools and communities are acting urgently and creatively to adapt to this unprecedented threat, and we ask you to support their efforts without delay.

The recently passed *Families First Coronavirus Response Act* provided the U.S. Department of Agriculture (USDA) with extremely broad waiver authority to support local school districts and organizations in providing meals to students.<sup>1</sup> We request that you use this authority to empower meal providers to adapt to their local conditions and needs in this unique time, and to guarantee reimbursement to all providers who are working to meet the needs of hungry children during this crisis.

In Massachusetts, the need for child nutrition programs is widespread and urgent. On March 15, 2020, Massachusetts Governor Charlie Baker ordered all elementary and secondary schools in the state to close;<sup>2</sup> he later extended the closure through at least May 4, 2020.<sup>3</sup> These closures have had a particularly severe impact on more than half a million children in Massachusetts who rely on school meals through the National School Lunch Program, the Child and Adult Care Feeding Program, and related child nutrition programs.<sup>4</sup> On March 23, 2020, Governor Baker issued an emergency order closing nonessential businesses and workplaces,

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<sup>1</sup> Families First Coronavirus Response Act, Division B, Title II (“COVID-19 Child Nutrition Response Act”), <https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201enr.pdf>

<sup>2</sup> Charles D. Baker, “Order Temporarily Closing All Public and Private Elementary and Secondary Schools,” March 15, 2020, <https://www.mass.gov/doc/march-15-2020-school-closure-order/download>

<sup>3</sup> Office of Governor Charlie Baker, “Baker-Polito Administration Announces Extension of School and Non-Emergency Child Care Program Closures and Steps to Ensure Housing Stability to Support COVID-19 Response,” March 25, 2020, <https://www.mass.gov/news/baker-polito-administration-announces-extension-of-school-and-non-emergency-child-care-program>

<sup>4</sup> National School Lunch Program Total Participation, February 14, 2020, <https://fns-prod.azureedge.net/sites/default/files/resource-files/01slfypart-2.pdf>

leaving many residents with no income.<sup>5</sup> In a single day last week, the state received more unemployment claims than in the entire month of February 2020.<sup>6</sup>

On March 13, 2020, DESE submitted a waiver request to temporarily suspend area eligibility requirements, which would allow schools and community organizations serving meals during school closures to be reimbursed for meals served in areas where fewer than 50% of children participate in the Free and Reduced-Price Lunch (FRL) program.<sup>7</sup> On March 24, 2020, their waiver request was returned, with a request for additional information.<sup>8</sup> As of last October, more than 130,000 low-income children in Massachusetts attended schools that are below this threshold.<sup>9</sup> This change is vital to prevent hunger during this public health emergency, as families who may not normally qualify for the FRL program may already be facing or may soon face layoffs, reduced hours, increased health care costs, and other financial challenges.

The pain of hunger does not change depending on location. Many districts in Massachusetts are proactively providing food access to all students, but they are concerned that they cannot continue doing so without an assurance that USDA's reimbursement will cover the expense. We urge you to approve this waiver request without delay to ensure that there are minimal disruptions to meals being provided to children in need.

In addition, we urge you to exercise the waiver authority provided by the *Families First Coronavirus Response Act* to allow meals to be served under the Child and Adult Care Feeding Program (CACFP) at organizations that have suspended or modified their operations to comply with social distancing requirements. In Massachusetts, the Boys & Girls Club and other after-school program providers have begun providing pick-up meals to the children they serve, but they are having difficulty securing reimbursement for these meals because they have suspended their normal in-person program.<sup>10</sup> We urge you to work with CACFP participants to continue to provide reimbursement for meals served during program closures, just as you have worked with school districts to continue to make meals available during school closures.

We know that USDA shares our goal of providing meals to every student in need during this unprecedented emergency. We appreciate your responsiveness to Massachusetts's previous waiver applications. We urge you to continue this collaborative partnership between federal, state, and local agencies to support our most vulnerable children during the COVID-19 pandemic.

Thank you for your consideration of this urgent matter.

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<sup>5</sup> Office of Governor Charlie Baker, "March 23, 2020 Essential Services And Revised Gatherings Order," March 23, 2020, <https://www.mass.gov/doc/march-23-2020-essential-services-and-revised-gatherings-order>

<sup>6</sup> WCVB Boston, "Nearly 20,000 Mass. Unemployment claims filed in a single day due to coronavirus concerns," Karen Anderson, March 17, 2020, <https://www.wcvb.com/article/nearly-20k-unemployment-claims-filed-in-massachusetts-in-single-day-due-to-covid-19-coronavirus-concerns/31710623>

<sup>7</sup> Child Nutrition Program State Waiver Request, March 13, 2020, see attached.

<sup>8</sup> Email communication from Jessica Leitz, Massachusetts Department of Elementary and Secondary Education, March 26, 2020.

<sup>9</sup> Child Nutrition Program State Waiver Request, March 13, 2020, see attached.

<sup>10</sup> Letter from State Representative Frank Moran to Secretary Sonny Perdue, March 23, 2020, see attached.

Sincerely,

Elizabeth Warren  
United States Senator

Edward J. Markey  
United States Senator

Lori Trahan  
Member of Congress

James P. McGovern  
Member of Congress

Joseph P. Kennedy, III  
Member of Congress

William R. Keating  
Member of Congress

Seth Moulton  
Member of Congress

Ayanna Pressley  
Member of Congress

Richard E. Neal  
Member of Congress

Katherine Clark  
Member of Congress

Stephen F. Lynch  
Member of Congress