

# Congress of the United States

Washington, D.C. 20515

October 1, 2020

The Honorable Sonny Perdue  
Secretary  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Dear Secretary Perdue:

We write to urge you to immediately extend all school meal waivers for the remainder of the 2020-2021 fiscal year and issue updated guidance for the Pandemic EBT (P-EBT) program. While we appreciate your extension of the waivers through December 31, 2020, this action does not go far enough for American schools and families. Schools need certainty and predictability now. They should not have to wait for another eleventh-hour extension in December when the Department has the ability to extend the waivers now.

H.R. 8337, the *Continuing Appropriations Act, 2021 and Other Extensions Act*, provides the Department with clear authority and clarity on funding necessary to extend all child nutrition waivers through the end of the current fiscal year.<sup>1</sup> By extending this authority now rather than waiting until December, Congress has made it abundantly clear that it wishes to see these waivers extended now for the full year. Additionally, the bill contains key changes to the P-EBT program. We urge you to immediately issue updated P-EBT guidance to states and territories. The Department should work closely with state agencies implementing P-EBT to ensure the guidance is feasible and easily implemented. The guidance should provide states and territories with flexibilities to:

1. Certify all children under the age of six in Supplemental Nutrition Assistance Program (SNAP) households in areas where child care facilities or schools are closed or facing reduced hours or attendance due to the COVID-19 pandemic, using simplifying assumptions and readily available data without requiring verification of individual school or child care enrollment or attendance.
2. Certify all children ages 5 through 18 in households receiving SNAP, Medicaid, or Temporary Assistance for Needy Families (TANF) benefits or who are homeless, migrant, or in foster care, without any further information, such as verifying attendance in a school participating in the National School Lunch Program (NSLP) or verifying that they have been approved for free or reduced-price meals.
3. Establish eligibility periods for individual students using simplified assumptions, such as establishing a full month of P-EBT eligibility at a given benefit level for an eligible

---

<sup>1</sup> [HOLD FOR PL]

The Honorable Sonny Perdue

October 1, 2020

Page 2

student even if their school has only announced that the school is in a closed status for three weeks of the given month.

4. Establish, at the state level, P-EBT benefit amounts for eligible students in hybrid learning environments that have in-school learning at less than a full-time schedule, including students who continue remote learning, even if they attend schools that are open for in-person instruction.
5. Allow states to utilize averages or aggregation in determining eligibility and benefits levels for children, as appropriate.
6. Since the CR provides for flexibilities and administrative changes to be applied retroactively, ensure that state are able to submit or amend their plans, at a minimum, for August and September benefits, to reflect these changes.

Additionally, the Department should immediately shift away from the SNAP administrative 50%/50% federal-state cost-sharing and instead reimburse states and territories for 100% of any additional administrative costs incurred to operate P-EBT, subject to standard Federal allowable cost requirements. Finally, the Department should move quickly to provide tailored guidance and technical assistance to all newly eligible territories.

As you know, the stakes could not be higher. Our country is in the midst of a child hunger crisis, and the Department must do everything in its power to mitigate the harm. For any questions, please reach out to Alison Hard at [Alison.Hard@mail.house.gov](mailto:Alison.Hard@mail.house.gov) with the House Committee on Education and Labor and Jacquelyn Schneider at [Jacquelyn.Schneider@ag.senate.gov](mailto:Jacquelyn.Schneider@ag.senate.gov) with the Senate Committee on Agriculture, Nutrition, and Forestry. Please direct all official correspondence to the House Committee on Education and Labor Clerk/Staff Assistant, Mariah Mowbray, at [Mariah.Mowbray@mail.house.gov](mailto:Mariah.Mowbray@mail.house.gov) and the Senate Committee on Agriculture, Nutrition, and Forestry Chief Clerk, Jessie Williams, at [Jessie.Williams@ag.senate.gov](mailto:Jessie.Williams@ag.senate.gov).

Thank you for your attention to this urgent matter.

Sincerely,



---

**ROBERT C. "BOBBY" SCOTT**  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives



---

**DEBBIE STABENOW**  
Ranking Member  
Committee on Agriculture, Nutrition  
and Forestry  
U.S. Senate