

# Food Access & Nutrition



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# AUTHORS AND ACKNOWLEDGMENTS

## AUTHORS

This report was produced by the Farm Bill Law Enterprise.

The lead authors of this report are Molly Cohen, Ariel Ardura, Emma Scott, and Emily Broad Leib, Harvard Law School Food Law and Policy Clinic, Kathryn Garfield, Harvard Law School Center for Health Law and Policy Innovation, and Allison Korn, UCLA School of Law Resnick Center for Food Law and Policy. The following students and summer interns, listed in alphabetical order by institution, co-authored substantial portions of the report: Jennifer Glazier, Vrushab Gowda, Oscar Heanue, Brianna Johnson-King, Jennifer Lee, Gray Norton, Holly Russo, Rhea Saksena, and Harsha Sridhar, Harvard Law School Food Law and Policy Clinic; Sean Anderson, Terra Duchene, Gabriel Greif, Shawna Strecker, UCLA School of Law Resnick Center for Food Law & Policy.

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Pat Baker (Senior Policy Analyst, Massachusetts Law Reform Institute), Joel Berg (CEO, Hunger Free America), Patricia Griffin (Partner, NVG LLC), Molly Hartman (Program Director, Healthy Food Financing Initiative), Eric J. Deeble (Policy Director, National Sustainable Agriculture Coalition), Sara John (Senior Policy Scientist, Center for Science in the Public Interest), Joelle Johnson (Campaign Manager Healthy Food Access, Center for Science in the Public Interest), Molly Kepner (Assistant Director of Federal Policy, Project Bread), Wes King (Senior Policy Advisor, National Sustainable Agriculture Coalition), Leran Minc (Assistant Director of Public Policy, Project Bread), Tracey Patterson (VP Social Safety Net, Code for America), Stacy Taylor (Head of Policy and Partnerships, Propel), and Catherine Woteki (former USDA Chief Scientist and Under Secretary for Research, Education, and Economics).

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# Farm Bill on the Horizon

Two years in, the COVID-19 pandemic has shown just how critical it is for the United States to invest in a robust, diverse, and well-integrated food system. The country faced a formidable challenge in striving to help people meet their nutritional needs, connecting agricultural producers to markets, creating safe environments for our food system's essential workforce to continue feeding the country, and providing local options for securing food. In many cases, Congressional action to increase funding for farm bill programs and authorize new initiatives and flexibilities staved off some of the most devastating potential impacts, proving that increased investment in the country's agricultural and food system reverberates through the economy and strengthens our country's resilience to crises. The next farm bill, anticipated in 2023, offers the opportunity to solidify these lessons through legislation.

The pandemic and other events—increasingly destructive natural disasters, trade disputes— that have transpired since the last farm bill passed in 2018 have also underscored the need to regard the food and agriculture sector as a public good. Doing so means aligning federal investments through the farm bill with sound public policy that considers the long-term needs of society. The climate crisis at our doorstep requires that public dollars support programs and policies designed to mitigate and adapt to this reality rather than exacerbate the food system's contribution to the problem. Advancing racial justice requires centering equity in farm bill programs and agricultural governance and regarding food system workers as a core constituency in food system policy. And, strengthening our nation's food system requires supporting the growth of local and regional food systems equipped to meet the nutritional needs of the community, while providing economically stable, decentralized business opportunities for existing and new producers. Public funds that flow through farm bill programs should be dedicated to creating and reinforcing a food system that upholds and furthers these collective goals.

The Recommendations contained in this Report are an early attempt to infuse policy ideas into the next farm bill conversation. Although we discussed and vetted these ideas among our Farm Bill Law Enterprise members and many other stakeholders in order to write the Reports in this series, we know that many more organizations, stakeholders, and communities will have thoughts, constructive critique, and perspectives to offer that should ultimately shape the policies enacted in the farm bill. We offer these ideas as a starting point to generate further discussion and are eager to collaborate with other stakeholders to further develop and refine these ideas and set priorities for the coming farm bill cycle.



# The Farm Bill Law Enterprise

FBLE is a national partnership of law school programs working toward a farm bill that reflects the long-term needs of our society, including economic opportunity and stability; public health and nutrition; climate change mitigation and adaptation; public resources stewardship; and racial and socioeconomic justice. We strive to advance justice and equity in accomplishing each of these goals.

- **Economic Opportunity and Stability**, including equitable access to capital, scale-appropriate risk management, market stability, a viable livelihood for diverse production systems and diverse producers, expanded worker-ownership, and a vibrant agricultural sector.
- **Public Health and Nutrition**, including a robust and secure food supply that meets the present and future nutritional needs of all communities, improves population-level health, reduces inequalities, and prioritizes production of healthful foods.
- **Climate Change Mitigation and Adaptation**, including the transformation of agriculture into a net sink through reduced emissions and the use of soil and biomass as a carbon sink, as well as support for farmers adapting to climate impacts such as drought, extreme weather events, and changing growing seasons.
- **Public Resources Stewardship**, including agricultural practices that increase biodiversity and soil stability and fertility, while promoting public health and environmental justice by preserving community resources such as safe drinking water and clean air.
- **Racial and Socioeconomic Justice**, including labor rights, diverse and equitable opportunities in agriculture, robust competition that creates space for small and mid-size, new, and innovative participants and checks concentrated power, equitable distribution of agriculture's costs and benefits, and fair contracts and labor practices.

We accomplish our mission through joint research, analysis, and advocacy and by drawing on the experience of our members, collaboratively building deeper knowledge, and equipping the next generation of legal practitioners to engage with the farm bill.

This Report belongs to a collection of Reports based on the collaborative research of FBLE members conducted in anticipation of the 2023 Farm Bill. The subjects of these reports include **Climate & Conservation, Equity in Agricultural Production & Governance, Farm Viability, Farmworkers, and Food Access & Nutrition**. Each report will be available on our website, FarmBillLaw.org, along with background materials, an active blog, and timely resources for tracking the 2023 Farm Bill's progress through Congress.

FBLE is comprised of members from the following law school programs: Drake University Law School, Agricultural Law Center; Duke Law School, Environmental Law and Policy Clinic; Harvard Law School, Emmett Environmental Law and Policy Clinic; Harvard Law School, Food Law and Policy Clinic; Harvard Law School, Health Law and Policy Clinic; Pace University Elisabeth Haub School of Law, Food Law Initiative and Food and Beverage Law Clinic; UCLA School of Law, Resnick Center for Food Law and Policy; University of Maryland Francis King Carey School of Law, Environmental Law Program; and Vermont Law School, Center for Agriculture and Food Systems. The Recommendations in this Report series do not necessarily reflect the views of each individual member or their institutions.



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# EXECUTIVE SUMMARY

More than 40 million U.S. residents face the realities of food insecurity each day, despite the country's status as the world's leading food producer. The farm bill provides crucial tools that help combat food insecurity, funding programs that act as a safety net for low-income households. The Nutrition Title—which accounted for over three-quarters of all outlays in the last farm bill, passed in 2018—includes food access programs like the Supplemental Nutrition Assistance Program (SNAP), The Emergency Food Assistance Program (TEFAP), Food Distribution Program on Indian Reservations (FDPIR), and Senior Farmers' Market Nutrition Program (SFMNP), among others. The COVID-19 pandemic made these programs even more crucial for households across the country experiencing increased economic uncertainty. To address this economic hardship, Congress has made unprecedented and creative investments in food security, increasing the cash benefits distributed through SNAP and authorizing administrative flexibilities.

SNAP, in particular, is the nation's largest and most important anti-hunger food assistance program. In addition to increased enrollment and benefits due to the pandemic, SNAP has undergone technological change, including a rapid expansion of the SNAP Online Purchasing Pilot, which now allows SNAP recipients in almost all states to make purchases from approved online retailers. With more households relying on SNAP and the program evolving to keep up with changing consumer demand and technology, the 2023 Farm Bill represents a vital opportunity for Congress to protect, expand, and improve SNAP to ensure that it is as efficient and wide-reaching as possible.

Through its safety-net programs, the farm bill shapes food access, nutrition, public health, infrastructure, and economic development across the country. This Report focuses on Goals and Recommendations, including specific Legislative and Administrative Opportunities, designed to advance food access and nutrition objectives in the 2023 Farm Bill.



# Goal I



## Protect and Strengthen SNAP to Support Recipients' Food Security

Increased pandemic enrollment highlighted the vital role that SNAP plays in establishing and maintaining household food security, particularly during times of economic uncertainty or instability. However, the pandemic also highlighted current gaps in the safety net. The 2023 Farm Bill provides a unique opportunity for Congress to address these ongoing issues while ensuring that SNAP operates as efficiently and equitably as possible.

### ▶ Priority for the Next Farm Bill

## Reauthorize SNAP and Expand Program Eligibility

SNAP is an important tool in fighting household food insecurity, and Congress should use the 2023 Farm Bill as an opportunity to ensure that the program supports a greater number of households. Legislative solutions to expand program eligibility include eliminating time-limits that restrict able-bodied adults without dependents' (ABAWDs') ability to stay on SNAP, the five-year waiting period for most immigrants to become eligible for SNAP and the federal ban on SNAP access for those with prior drug felony convictions. Such expansions would allow SNAP to reach more households and would improve their food security.

## Additional Recommendations

- Update SNAP benefit calculation and eligibility formulas to increase access
- Structure food assistance and SNAP to ensure adequate access and support self-governance and self-determination in U.S. territories and Tribal areas
- Increase SNAP access for students in higher education
- Reform SNAP to enable participants to secure adequate and appropriate food



## Goal II



### Improve the Overall SNAP Ecosystem and Program Administration to Promote Access for Both Retailers and Recipients

As the nation's largest food assistance program, SNAP is impressive in scope, with over 40 million monthly recipients and approximately 250,000 participating retailers nationwide. Unfortunately, delivering SNAP to all eligible individuals often creates administrative challenges for both recipients and vendors. For individuals, slow approval processes, burdensome administrative requirements, and a number of other challenges can make it difficult to receive and maintain the important assistance SNAP is meant to provide. The pandemic highlighted the rapidly-changing needs of SNAP households and retailers, including the growing importance of online purchasing options and new payment technologies; however, barriers on retailer access to these advancements can mean that recipients see their shopping options

unnecessarily narrowed. Congress should take steps to address these administrative challenges through technological and administrative improvements to the delivery of SNAP payments.

### ► Priority for the Next Farm Bill

#### Modernize and Improve SNAP Technology, Including SNAP Online and Payment Options

For both SNAP recipients and retailers, it is important that the program stays up-to-date with purchasing and payment trends. COVID-19 accelerated trends in consumer behavior, including a more-than-doubling of online grocery purchases from 2019 to 2020, which provided contactless options for the elderly and immunocompromised during the pandemic. SNAP households may lack access to delivery due to limited online purchasing options and the cost of delivery. Congress should expand and improve SNAP Online, offer funding to pay for delivery fees, and modernize EBT payment methods to ensure that SNAP users have access to food and retail options comparable to non-SNAP consumers. These changes would help to ensure that households who depend on SNAP are able to use their benefits efficiently to shop in the way that best suits their specific needs.

#### Additional Recommendation

- Promote reforms to improve recipient experience, reduce administrative burdens, and improve SNAP access.





## Goal III



### Improve Public Health and Increase Access to Healthy, Nutritious Foods, Especially for Marginalized Populations

Diet is the leading contributor to premature death in the United States, responsible for 500,000 deaths in 2016 alone. Diet-related diseases—heart disease, cancer, cerebrovascular disease and diabetes—are the first, second, fourth and seventh leading causes of death, respectively. Unfortunately, while higher consumption of fruits, vegetables, and lean proteins are associated with reduced risk for diet-related diseases, such diets are also more expensive, costing an estimated \$1.50 more per day than less-healthy alternatives. As a result, poor health outcomes are disproportionately felt in low-income and marginalized communities. To address this, the farm bill authorizes a number of incentive programs that help to promote healthier choices and improve diet-related health outcomes. Congress should build on these existing nutrition incentives to continue promoting healthier choices and better health outcomes.

## ► Priority for the Next Farm Bill

### Strengthen Food Assistance Programs that Promote Healthy Choices Among SNAP Recipients

The 2018 Farm Bill provided funding for key nutrition incentive programs designed to promote healthier choices among food assistance recipients. One such program, the Gus Schumacher Nutrition Incentive Program (GusNIP) offers grants for both nutrition incentives—which make additional dollars available to SNAP recipients who purchase produce—and produce prescription programs, which provide prescriptions of produce to low-income individuals at risk of developing diet-related diseases. Congress should expand upon GusNIP, a successful program that promotes healthy choices among marginalized low-income populations. By devoting additional resources to this program, Congress can help to promote long-term health and nutrition while strengthening household food security.

### Additional Recommendations

- Work with retailers to strengthen access to healthy foods for SNAP recipients
- Support successful SNAP-Ed programs and fund new culturally competent interventions
- Support a robust Healthy Food Financing Initiative



# Goal IV



## Strengthen Federal Disaster Response Related to Food Access and Retain and Build on Innovative Pandemic Relief Programs

The COVID-19 pandemic created unprecedented hardship for individuals and families across the country, including increased threat of food insecurity. In response, Congress passed a series of relief bills in 2020 and 2021, which included expanded food access and nutrition benefits. Such programs built upon an existing framework of disaster-related benefits, including Disaster SNAP (D-SNAP). However, administrative barriers and delays associated with these existing programs often keep emergency relief out of the hands of those

who need it most. The pandemic has shown the importance of Congressional action in setting the stage for swift and strong disaster assistance in the future.

### ► Priority for the Next Farm Bill

#### Strengthen Disaster Relief Food Access via Updates to Supplemental Benefits

In the wake of the COVID-19 pandemic, Congress authorized emergency SNAP allotments to expand benefits under the Families First Coronavirus Response Act of 2020 (FFCRA). However, the distribution of emergency allotments was frustrated by delays and administrative barriers, including a cap on benefit amounts that excluded households who were already receiving the maximum monthly payment from receiving additional assistance. Congress should make permanent procedures for disaster allotments and clarify protocols to ensure that the households most in need of support are not left out of future disaster responses.

#### Additional Recommendation

- Reduce barriers to accessing D-SNAP and SNAP benefits during disasters



# Introduction



The farm bill plays a major role in helping millions of U.S. households secure wholesome and healthy food. Over a decade after the Great Recession, food insecurity—defined as “household-level economic and social condition of limited or uncertain access to adequate food”<sup>1</sup>—still plagues over 40 million people,<sup>2</sup> and the ongoing COVID-19 pandemic has caused even higher rates of financial hardship among households in the United States.<sup>3</sup> At the same-time, diet-related diseases persist at epidemic proportions, driven at least in part by the inaccessibility of health-promoting food options. The farm bill plays a clear role in food access and nutrition, and this Report highlights policies that Congress should enact in the 2023 Farm Bill to improve food access, nutrition, and public health.

The United States is the largest and most efficient producer of food in the world,<sup>4</sup> with

large and streamlined food processing facilities, distribution channels, and consumer markets.<sup>5</sup> Advances in technology have produced faster germinating seeds, higher crop yields, and more efficient harvests.<sup>6</sup> The development of robots, temperature and moisture sensors, aerial imaging via satellites and drones, and GPS technology in agriculture has allowed farmers to better understand and adapt to changes in weather and growing conditions.<sup>7</sup> With these advanced tools, the United States produces more food than ever before.

Yet even remarkable technology and bountiful production do not guarantee that we grow the food needed to achieve a balanced diet or that U.S. households are able to obtain sufficient food to eat. In 2019, prior to the COVID-19 pandemic, 13.7 million households in the United States—comprising about 10.5% of the U.S. population<sup>8</sup>—experienced food insecurity.



The COVID-19 pandemic threatened to further exacerbate food insecurity, which was only avoided—at least by official measurements—due to increased enrollment in federal food assistance programs,<sup>9</sup> increased SNAP benefit amounts, as well as other pandemic-related relief like unemployment insurance and stimulus payments.<sup>10</sup> The U.S. Department of Agriculture (USDA)—which oversees many of the country’s food assistance programs—also used unprecedented creativity and flexibility during the crisis to support families in need. Food security, nevertheless, continues to be a structural problem rooted in complex factors such as poverty, employment, education, income, household size, individual experience, regional demographics, economic and physical access to food, and access to food assistance programs,<sup>11</sup> thus requiring a multi-faceted approach to address it.

## The Costs of Food and Nutrition Insecurity

Food insecurity impacts U.S. society and productivity on many levels and, as with many other social issues, disproportionately burdens people of color. In 2020, 38.3 million people lived in food-insecure households.<sup>12</sup> Experiencing food insecurity is not just stressful and scary in the moment, it is also associated with increased risk for a variety of negative health outcomes, such as chronic diseases.<sup>13</sup> The impacts of food insecurity ripple across society as a whole as well. Recent studies have estimated that domestic food insecurity costs the United States over \$160 billion annually—an estimate that does not include the cost of food assistance programs like the Supplemental Nutrition Assistance Program (SNAP).<sup>14</sup> These studies considered a combination of factors such as lost economic productivity per year, rising costs of poor education outcomes linked to lack of nutrition, avoidable healthcare costs, and the cost of charity to keep families fed.<sup>15</sup>

Food insecurity disproportionately affects certain marginalized and vulnerable groups. Food security is a racial justice issue as Black and Hispanic families experience food insecurity at twice the rate of white households due to systemic discrimination, persistent wage and wealth gaps, and inequitable access to jobs and economic opportunities.<sup>16</sup> While the overall rate of food insecurity remained unchanged during the pandemic due to an influx of aid, Black and Hispanic households experienced “an alarming spike in food insecurity” due to COVID-19.<sup>17</sup> Racial disparities in food access reflect and exacerbate overall racial health disparities with average life expectancy in the Black community 6 years less than in the non-Hispanic white community, and with Black adults dying from diabetes and high blood pressure-related complications at 2–3 times the rate of white adults.<sup>18</sup> Similarly, Native Americans (also referred to as American Indians or Indigenous people, depending on the context or source, in this Report) experience rates of food insecurity twice that of white households<sup>19</sup> with one study finding rates of up to 92% in some areas<sup>20</sup> and another survey finding rates of almost 50% during COVID-19.<sup>21</sup> One in four households with children headed by a single woman experience food insecurity.<sup>22</sup> These disparities are a result of decades of discrimination and disinvestment and are a reflection of power structures and practices in the U.S. food system that go back decades. Factors include the theft of land from Indigenous people, the enslavement of Indigenous and African people to work on lands,<sup>23</sup> and later the denial of USDA agricultural investments to farmers of color (particularly Black and Native American farmers<sup>24</sup>), and increased price and reduced access to healthy foods in neighborhoods of color (sometimes referred to as “food apartheid”).<sup>25</sup>

Beyond basic food security, it is important that all people have access to healthy, affordable foods that promote well-being and prevent disease. Following heightened attention to



the impact of food and nutrition on health outcomes due to the pandemic, USDA has recently increased its focus on “nutrition security,” a concept that captures these broader concerns.<sup>26</sup> Baked into the nutrition security lens is a recognition that disparate access to health-promoting foods contributes—alongside general food insecurity—to the increased risk for diet-related diseases seen among Black, Native American, and Hispanic populations. The forthcoming farm bill provides an opportunity to begin to reform the structures that created and continue to uphold these inequities.

## Food Assistance and the Farm Bill

Farm and food assistance programs have been linked since the first farm bill. The Agricultural Adjustment Act (now known as the first farm bill) included a food stamp program that purchased commodity surpluses as a way to stabilize farm prices while addressing widespread food insecurity.<sup>27</sup> The program ended after World War II, but Congress resurrected a food stamp program in the early 1960s as part of the War on Poverty.<sup>28</sup> In response to a national hunger crisis, the 1969 White House Conference on Food, Nutrition, and Health and the Senate Select Committee on Nutrition made recommendations that would ultimately transform U.S. food and nutrition assistance programs;<sup>29</sup> administrative and legislative amendments expanding the food stamp program soon followed.<sup>30</sup> Food stamps as we know them today—which have since been renamed the Supplemental Nutrition Assistance Program (SNAP)—date to 1977, and have been reauthorized in the farm bill since that time.<sup>31</sup> In fiscal year (FY) 2022, SNAP provided benefits to 41 million people, or nearly 12% of the U.S. population.<sup>32</sup> It is administered by USDA’s Food and Nutrition Service (FNS).

SNAP is codified in the Food and Nutrition Act, the authorization of which is amended and extended in the Nutrition Title of the farm bill.<sup>33</sup> The Agriculture Improvement Act of 2018 (2018 Farm Bill) included programs that provide money for households to buy food, money for charitable food organizations and Tribes to distribute food, support for nutrition education as well as healthy foods and food access. They include, in addition to SNAP, The Emergency Food Assistance Program (TEFAP), Food Distribution Program on Indian Reservations (FDPIR), Nutrition Assistance Program (NAP) for Puerto Rico, American Samoa, and Northern Mariana Islands, Senior Farmers’ Market Nutrition Program (SFMNP), the Fresh Fruit and Vegetable Program (FFVP), the Gus Schumacher Nutrition Incentive Program (GusNIP), the Healthy Food Financing Initiative (HFFI), SNAP-Education (SNAP-Ed), Commodity Supplemental Food Program (CSFP), and the Food and Agriculture Service Learning Program.<sup>34</sup> Taken together, the Nutrition Title programs account for an estimated 76% of the 2018 Farm Bill’s spending, and SNAP accounts for the vast majority of this spending.<sup>35</sup> As SNAP is the farm bill’s core food assistance program, this Report next provides an overview of the program before turning to Goals and Recommendations for the 2023 Farm Bill.

## The Strength of SNAP

SNAP is the nation’s largest and most important anti-hunger food assistance program. It is the nation’s “first line of defense” against food insecurity and serves as the foundation of the United States’ nutrition safety net.<sup>36</sup> SNAP increases the food purchasing power of low-income households by providing monthly benefits that can only be spent on food via a debit card (an Electronic Benefits Transfer card or EBT card). Benefits are meant to be supplemental, not to cover a household’s entire monthly food budget, because households



are expected to spend a portion (30%) of their available income on food.<sup>37</sup> For example, estimated monthly average benefits for a family of four in FY2022 is \$638 (not including additional pandemic-era relief discussed below)<sup>38</sup> compared to the USDA's estimated monthly budget of \$835.57 for a family of four.<sup>39</sup> In addition to reducing food insecurity, SNAP also aims to help improve diet quality and nutrition of SNAP participants through programs like SNAP-Ed, GusNIP, and SFMNP.<sup>40</sup>

SNAP participation follows poverty patterns in the United States. As poverty increases, SNAP eligibility and participation increase. SNAP was crucial during the Great Recession when participation rose from 2006 (26 million individuals) to its peak levels in 2013 (over 47 million).<sup>41</sup> The same pattern emerged in response to the COVID-19 pandemic, when SNAP enrollment increased 14% from February 2020, pre-pandemic, to June 2020, the peak of pandemic-era food assistance levels.<sup>42</sup> As poverty decreases, reliance on SNAP decreases as well.<sup>43</sup>

SNAP supports children, the elderly, and marginalized communities, including people of color and those with disabilities. In December 2021, 41 million people depended on SNAP benefits to purchase food each month.<sup>44</sup> According to data from 2019, 43% of SNAP

recipients are children, 16% are aged 60 or older, and about 21% of SNAP households include a person with disabilities.<sup>45</sup> Best estimates suggest that approximately 55% of SNAP households are people of color.<sup>46</sup> Due to persistent wage and wealth gaps and reduced economic opportunity that result from systemic racism, Black, Latinx, Native American, and multiracial households all make up larger shares of the SNAP-recipient population than they do of the general population; to these communities of color, SNAP is especially important.<sup>47</sup>

SNAP reduces food insecurity for some of the nation's poorest households. SNAP eligibility is based on gross and net income, asset levels, and other characteristics, such as employment, disability, and the presence of children in a household. Statutorily to be eligible for SNAP, a household must have a gross income under 130% of the federal poverty line and assets under \$2,500, though states have some authority to increase income and asset thresholds through broad-based categorical eligibility (see page 12 for more on SNAP eligibility).<sup>48</sup> Additionally, for many childless adult recipients, eligibility is dependent on employment or else strictly time-limited. Research shows that SNAP reduces food insecurity by roughly 30%,<sup>49</sup> and that SNAP and non-SNAP households purchase similar foods.<sup>50</sup>



SNAP not only increases food security, it also serves as one of the federal government's strongest anti-poverty measures and provides additional benefits to recipients' health and life course. SNAP alleviates poverty by allowing families to reallocate money they would have otherwise spent on food. In FY2019, according to the Census Bureau, SNAP lifted 2.5 million people out of poverty;<sup>51</sup> other analyses estimate the figure is more like 8 million.<sup>52</sup> SNAP is linked to increased health and life course outcomes with profound effects on children's educational and health outcomes. SNAP recipients are 18% more likely to graduate high school, 16% less likely to be obese, 5% less likely to contract heart disease, and 6% less likely to suffer from stunted growth than low-income non-recipients.<sup>53</sup> Evidence suggests these benefits persist throughout people's lives: individuals who were SNAP beneficiaries as children report higher levels of health as adults than similarly situated children who were raised prior to the advent of SNAP.<sup>54</sup> SNAP not only ameliorates present day poverty but sets the groundwork for recipients—particularly young recipients—to develop financial independence in the future.

SNAP also serves as an economic multiplier during tough economic times. SNAP dollars go directly back into local economies, with every \$1 of SNAP benefits generating approximately \$1.54 of economic activity.<sup>55</sup> Researchers estimate that each \$1 billion increase in SNAP benefits creates or maintains 13,560 full-time jobs, including 480 farm jobs.<sup>56</sup>

SNAP's power to pivot quickly to support families and to reduce poverty was evident during the COVID-19 pandemic. In the months following the start of the pandemic, household food insecurity levels more than doubled, with some estimates placing national food insecurity rates as high as 23%.<sup>57</sup> Between March 2020, when the national public health emergency was declared, and April 2020, 49 states saw an increase in SNAP participation.<sup>58</sup>

Some states experienced sharp spikes in participation; California, for example, saw an increase of more than 400,000 participants in one month.<sup>59</sup> As noted above, SNAP enrollment increased 14% from February to June 2020 as a result of the pandemic,<sup>60</sup> with 5.5 million additional individuals and 3.5 million households participating in SNAP since the pandemic began.<sup>61</sup> Congress has also provided historical and unprecedented increases in SNAP benefits.<sup>62</sup> Though more normal activity has resumed since the early stages of the pandemic, economic recovery has been slow, and food insecurity remains a major problem.<sup>63</sup>

In response to the pandemic, Congress also enacted several important programmatic changes. Congress established new programs such as Pandemic-EBT to students who would have received free or reduced price meals at closed schools,<sup>64</sup> and gave USDA the authority to approve requests by states to boost household benefits through emergency allotments.<sup>65</sup> The emergency allotments eventually led to increases in SNAP payment amounts up to the maximum allowable benefit and, after litigation and President Biden taking office, up to \$95 beyond that for households already receiving the maximum benefit.<sup>66</sup> Congress then provided for a 15% increase in SNAP benefits over 2020 levels in the Consolidated Appropriations Act passed in December of 2020,<sup>67</sup> and extended the increase through September 2021 in the American Rescue Plan Act.<sup>68</sup> In response to a Congressional mandate in the 2018 Farm Bill, USDA also updated the Thrifty Food Plan, thereby increasing benefits by 21%, on average, over pre-pandemic levels, kicking in on October 1 as the pandemic-related 15% increase expired.<sup>69</sup> These changes, along with stimulus payments resulting from the CARES Act, Consolidated Appropriations Act, 2021, American Rescue Plan Act of 2021, and the enhanced Child Tax Credit, helped keep rates of food insecurity relatively stable during the



pandemic despite economic upheaval and job losses associated with COVID-19.<sup>70</sup>

The pandemic has highlighted the vital importance of policy tools that support food access and nutrition. With an increased number of households navigating the challenges and uncertainties of economic hardship, it is more important than ever that Congress protect and strengthen SNAP and provide marginalized individuals and households access to wholesome, nutritious food to promote public health. The following Report outlines four major opportunities for Congress to do so in the 2023 Farm Bill. Goal I discusses protecting and strengthening SNAP to support recipients' food security. Goal II outlines opportunities to improve the overall SNAP ecosystem and program administration to promote access for both retailers and recipients. Goal III recommends reforms to improve public health and increase access to healthy, nutritious foods, especially for marginalized populations. Finally,

Goal IV discusses ways to strengthen federal disaster response related to food access and build on innovative pandemic relief programs.

## HEALTHY EATING RESEARCH REPORT

A number of the Recommendations detailed and highlighted below are supported by findings and recommendations developed as part of a two-day conference hosted by the Robert Wood Johnson Foundation's Healthy Eating Research in February 2021. The conference brought together expert stakeholders from a range of fields including hunger relief, advocacy, agriculture and sustainability, equity, and state government to discuss opportunities to strengthen the public health impacts of SNAP in the farm bill. The conference resulted in the report, *Strengthening the Public Health Impacts of SNAP: Key Opportunities for the Next Farm Bill*.<sup>71</sup>

### Titles of the Agriculture Improvement Act of 2018 (2018 Farm Bill)

- I. Commodities
- II. Conservation
- III. Trade
- IV. Nutrition
- V. Credit
- VI. Rural Development
- VII. Research, Extension, & Related Matters
- VIII. Forestry
- IX. Energy
- X. Horticulture
- XI. Crop Insurance
- XII. Miscellaneous

#### Farm Bill Titles Implicated in This Report:

- Nutrition (IV)





# GOAL I



## Protect and Strengthen SNAP to Support Recipients' Food Security

SNAP is the centerpiece of the farm bill's food security and nutrition policy. SNAP accounts for the majority of farm bill spending due to its expansive nature.<sup>72</sup> The program has myriad benefits, both for SNAP households and the economy more broadly. Buying food, and especially fresh and nutritious food, can be a serious burden for low-income households. Recipients of SNAP benefits typically experience significant increases in their levels of food security and often reductions in health conditions. In addition to its relative effectiveness in fighting food insecurity, SNAP is noteworthy for its efficiency and ability to generate economic activity.

The pandemic highlighted SNAP's ability to quickly support struggling households and its vital role in the safety net. Congress should reauthorize SNAP and expand program eligibility to ensure that the most marginalized people have access to wholesome food.

### RECOMMENDATION



#### Reauthorize SNAP and Expand Program Eligibility

SNAP is currently an entitlement program, meaning that anyone who meets the eligibility parameters can access benefits. This facet of the program allows SNAP to respond quickly

to changing economic conditions and rates in food insecurity. If the program were structured instead as a block grant—i.e., a fixed amount of money—it would likely result in dramatic decreases in the number of people served,<sup>73</sup> as evidenced by experience with other programs.<sup>74</sup>

As an entitlement program, SNAP's utilization and political resonance changes in response to economic conditions. SNAP was crucial during the Great Recession when participation rose from 2006 (26 million individuals) to its peak levels in 2013 (over 47 million).<sup>75</sup> However, post-recession it became a target for cuts, particularly during the 2018 Farm Bill negotiations and the Trump Administration.<sup>76</sup> The pandemic once again brought SNAP to the forefront with temporary increases in SNAP's budget due to increases in enrollment and benefit amounts, described above.

SNAP eligibility is based on household income, assets, and expenses (discussed in the next Recommendation on page 12), as well as certain individual characteristics. Characteristics affecting eligibility can include employment status, immigration status, student status, serving in the military, and having a prior drug felony conviction. For individuals for whom one of these applies, a statutory provision limits eligibility; for others, administrative decisions and current operations limit access. In order to meaningfully mitigate food insecurity, Congress



should address these limitations in the next farm bill. While each of these constraining factors are taken up below, one restriction calls for particular attention: employment status.

For many childless adult recipients, eligibility is dependent on employment or strictly time-limited. Under the able-bodied adults without dependents (ABAWD) time limit, individuals who are 18 to 49, are not disabled, and have no children in their home are limited to three months of SNAP in a three-year period if they do not document sufficient hours of work or employment-related activities.<sup>77</sup> To be eligible for SNAP for longer, ABAWDs must work or be enrolled in a work program, or some combination of the two, for 20 hours per week; actively searching for a job does not qualify a job-seeker for an extension of SNAP beyond three months.<sup>78</sup> Although often described as a work requirement, in practice the rule actually functions as a time limit on benefits, and effectively punishes individuals who are willing to work but cannot find a job or do not have a work or training program available to them. It also requires all ABAWD recipients to comply with burdensome documentation requirements.<sup>79</sup> The rule has been described as “one of the harshest” in SNAP for participants, and it is also among the most complex for states to administer.<sup>80</sup>

The law does allow states to request temporary waivers from ABAWD time limits for areas

with particularly high unemployment.<sup>81</sup> Since the ABAWD time limit was added in 1996, every state except Delaware has requested a waiver,<sup>82</sup> and in a typical year, over one-third of the country has waivers in place.<sup>83</sup> Waivers may be applied statewide or tailored to particular counties and cities.<sup>84</sup> For example, after the Great Recession, Massachusetts’s statewide waiver expired at the end of 2015, but local waivers remained in effect in towns such as Pittsfield and Lowell, which recovered from the recession at a much slower pace than other parts of the state.<sup>85</sup> Waivers help ensure that ABAWDs living in economically depressed areas still have access to food assistance during economic downturns.

The ABAWD time limit does not appear to make an appreciable difference on the work status of ABAWDs. The vast majority of SNAP recipients work: for example, 82% of SNAP households with a working-age, non-disabled adult included someone who worked in the year prior to or after receiving SNAP.<sup>86</sup> Similarly, there is no evidence SNAP disincentives working. Of new SNAP households with previous work earnings, only 4% did not have earnings the next year.<sup>87</sup> The time limit requires ABAWDs on SNAP to find and maintain employment despite significant challenges—25% lack a high school diploma,<sup>88</sup> 40% lack reliable transportation,<sup>89</sup> and by some estimates up to 40% are homeless.<sup>90</sup> Many ABAWDs struggle to secure and maintain employment resulting in significantly lower incomes than the typical SNAP recipient—ABAWDs average gross income is only 29% of the federal poverty level.<sup>91</sup>

Leading up to the 2018 Farm Bill, legislators debated expanding the ABAWD time limit to cover more people, but Congress ultimately rejected this proposal. The initial version of the bill passed in the House would have expanded existing requirements for ABAWDs, raising the age from 49 to 59, extending the time limit to adults with children aged six and older,



and increasing the weekly work or training hours requirement from 20 to 25 beginning in FY2026.<sup>92</sup> These elevated requirements were politically controversial, contributing to the bill's narrow margin in the House.<sup>93</sup> The adjusted work requirements were not present in the version of the bill passed in the Senate nor in the enacted 2018 Farm Bill.<sup>94</sup> Multiple independent evaluations projected that the proposed changes would have led to millions of current SNAP recipients losing their benefits.<sup>95</sup>

Following up on this legislative effort, the Trump Administration in 2019 similarly sought to tighten SNAP eligibility by reducing states' ability to utilize waivers due to economic hardship. A 2019 Trump Administration rule would have strictly delineated the geographic areas for which states can apply for waivers and what data they needed to use, dramatically shrinking the number of areas that would qualify for waivers, even during a recession.<sup>96</sup> USDA reported that this rule change would have resulted in almost 700,000 people losing SNAP eligibility.<sup>97</sup> These changes were temporarily suspended by Congress in March 2020 due to COVID-19 in the Families First Coronavirus Response Act,<sup>98</sup> and then a D.C. District Court vacated the rule in October 2020 due to violations of the Administrative Procedures Act.<sup>99</sup> The Biden Administration withdrew efforts to appeal this ruling, effectively killing the rule.<sup>100</sup>

In addition to revisiting time limits for ABAWDs, there are many other opportunities for Congress to strengthen and expand SNAP eligibility in the 2023 Farm Bill to ensure that more people have access to this crucial safety net benefit. In particular, Congress should eliminate the five-year waiting period for most immigrants to become eligible for SNAP<sup>101</sup> and the federal ban on SNAP access for those with prior drug felony convictions.<sup>102</sup> Lastly, Congress should improve access to SNAP for service members and military families.

## LEGISLATIVE OPPORTUNITY

### Reauthorize SNAP without narrowing eligibility criteria

Congress should once again re-authorize SNAP as an entitlement program without narrowing eligibility and should expand eligibility in ways outlined below to build on SNAP's existing strengths. Structuring SNAP as an entitlement program ensures that all those who qualify have access to benefits and that the program can respond quickly to economic disruptions and downturns, such as the upheaval caused by the COVID-19 pandemic.

## LEGISLATIVE OPPORTUNITY

### Eliminate time limits for ABAWDs

Each year, thousands of ABAWDs lose their benefits due to the time limit described above.<sup>103</sup> This time limit increases food insecurity for ABAWDs—one report in West Virginia noted increased demand at food pantries as a result of the ABAWD time limit<sup>104</sup>—and worsens health issues without producing the desired outcome: an increase in employment for ABAWDs.<sup>105</sup>

Beyond being harmful for ABAWDs and ineffective at increasing employment, the ABAWD rule is administratively burdensome and costly for states. While states can and often do apply for waivers, this waiver process is imperfect. It is used frequently—at any given time one-third of the country has waivers<sup>106</sup>—but it is also discretionary—contingent on a state's request and the Secretary's approval. Rather than punish ABAWDs for deep structural challenges in our labor market, Congress should eliminate time limits on SNAP eligibility to support this marginalized population, reduce administrative burdens for states and eliminate the complicated and discretionary waiver process, as the Improving Access to Nutrition Act of 2021 would do.<sup>107</sup>



## Employment and Training Programs

ABAWDs can participate in Employment and Training (E&T) programs for 20 hours a week to maintain SNAP eligibility. E&T programs are designed to build workforce skills and promote economic self-sufficiency. States administer the E&T program with funding from the federal government, and the 2018 Farm Bill increased mandatory E&T funding by approximately \$14 million. Despite this increase in funding, E&T programs see very low levels of participation. Of the 6.1 million SNAP recipients subject to work requirements, just 200,000 participated in E&T programs in an average month in 2016.<sup>108</sup>

USDA's Food and Nutrition Service (FNS) recently published a report on best practices for E&T programs, finding that research shows that skill-building opportunities as well as case management and supportive services produce the strongest outcomes. Specific skill-building strategies identified in the report included training programs with both classroom and outside-the-classroom components, programs that connect recipients with job training in in-demand industries, and subsidized employment.<sup>109</sup> Research also supports providing case management and supportive services in addition to skills-based training. Case management could include one-on-one coaching, and assistance with goal-setting, job searching, and career advising as well as referrals or funding to help with transportation and child care.<sup>110</sup> Where possible, states should incorporate these best practices into their E&T programs, and FNS and USDA should support states as needed, including by providing more money for E&T programs and improving connections to employers and other job training programs. Lastly, research finds significantly higher costs, as well as lower completion rates, for mandatory E&T programs, suggesting that states could see substantial benefit from making their programs voluntary rather than mandatory.<sup>111</sup>

### LEGISLATIVE OPPORTUNITY

#### Eliminate five-year waiting period for immigrants

Currently most adult non-citizen residents must reside in the United States for five years before becoming eligible for SNAP (commonly known as the "five-year bar"). The 1996 Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) restricted availability of federal benefits programs for immigrants. The law created a five-year waiting period until most adult immigrants are

eligible for SNAP even if they meet all other eligibility criteria,<sup>112</sup> though there are carve outs for children, individuals with disabilities, and certain refugees.<sup>113</sup> Even when immigrants are eligible (because they are children or are past their five-year waiting period), they are less likely to access SNAP benefits. For example, in FY2019, 96% of all eligible children participated in SNAP compared to 64% of eligible children living with non-citizen adults.<sup>114</sup> Much of this deficit is due to fear of deportation or the public charge rule, under which the government can deny lawful permanent residency to noncitizens based on



their usage of safety net programs. Although the Biden Administration’s proposal to change the public charge rule would exempt noncash benefits like SNAP from consideration in applications for lawful permanent residency,<sup>115</sup> the concern may persist for years to come. Additionally, lack of knowledge and language access issues may also pose barriers.<sup>116</sup> Without access to SNAP, immigrant households, and particularly children in those households, are more likely to experience food insecurity.<sup>117</sup> Congress should eliminate this five-year waiting period for SNAP for lawfully present immigrants, by adopting the SNAP provisions from the proposed LIFT the BAR Act of 2021,<sup>118</sup> which would allow lawfully present noncitizens to access critical federal assistance programs without waiting periods.

### LEGISLATIVE OPPORTUNITY

#### Eliminate federal ban on individuals with prior drug felony convictions

In addition to the five-year bar, the PRWORA also imposed a lifetime ban on SNAP for those convicted of a drug felony.<sup>119</sup> However, states have the ability to “opt out” and remove or modify such bans.<sup>120</sup> As of 2021, only South Carolina retained a full ban;<sup>121</sup> 29 states had fully removed the ban, and 20 states had a modified ban.<sup>122</sup> Modified bans have included bans based on a time limit or conviction type or requirements that individuals complete drug education or treatment programs or comply with terms of their probation or parole.<sup>123</sup> People re-entering society from jail and prison experience levels of food insecurity as high as 91% and may struggle to find employment.<sup>124</sup> Research has found that social safety net benefits like SNAP reduce recidivism.<sup>125</sup> Removing the federal ban on individuals with drug felony convictions will reduce their food insecurity, support their families, and help undo damage inflicted by the racist war on drugs. Congress should use the 2023 Farm Bill to repeal this provision of PRWORA and eliminate

the federal ban on SNAP access for those with prior drug felony convictions.

### LEGISLATIVE OPPORTUNITY

#### Support SNAP access for service members and military families

There is very little data on food insecurity for active duty members of the military and their families.<sup>126</sup> The limited studies done have found rates of food insecurity ranging from 12.7%<sup>127</sup> to 33%.<sup>128</sup> However, it is likely that low incomes for low-level enlistees leave them vulnerable to food insecurity. Yet SNAP eligibility for service members and their families is “inconsistent at best and problematic at worst,” in part due to the treatment of housing allowances.<sup>129</sup> For example, a service member’s Basic Allowance for Housing (BAH) to live off-base is treated as income for SNAP eligibility though it is not considered income for federal tax purposes and eligibility for most other federal assistance programs.<sup>130</sup> Lack of awareness and coordination also leaves potentially eligible service members and families from enrolling in SNAP. For example, a U.S. Government Accountability Office (GAO) report recommended that the U.S. Department of Defense (DOD) “coordinate with USDA to leverage its access to data” to better understand the problem of food insecurity and SNAP access for military households.<sup>131</sup> With the 2023 Farm Bill, Congress should mandate that USDA and DOD collaborate to enroll eligible military families in SNAP and should exempt BAH as income for the purpose of SNAP eligibility.<sup>132</sup>

### RECOMMENDATION

#### Update SNAP Benefit Calculation and Eligibility Formulas to Increase Access

Aside from characteristics addressed above, asset limits can also erect a strict bar to SNAP



eligibility. Statutorily, recipients' assets must be low: \$2,500 or less for most households and \$3,750 for households with a member who is age 60 or older.<sup>133</sup> However, recipients with greater assets may still be eligible for SNAP through Broad-Based Categorical Eligibility (BBCE), which enables states to raise SNAP income and asset eligibility limits by aligning their SNAP eligibility with Temporary Assistance for Needy Families (TANF)—a state-run anti-poverty program for families with children—requirements.<sup>134</sup> 41 states currently allow BBCE and in many states, TANF eligibility requirements are looser than SNAP's with no asset limits and a higher gross income limit (200% of the federal poverty level).<sup>135</sup> Congress should codify these practices by eliminating the asset-limit test.

In addition to asset limits, recipients must meet SNAP's income requirements, based on gross and net income. Based on the statutory language, a household must have gross income under 130% of the federal poverty line, about \$28,550 per year for a family of three, and net income (income after deductions are applied) must fall below the federal poverty line, though as noted above, states have flexibility to increase income limits through BBCE.<sup>136</sup> The net income test recognizes that families have a variety of

expenses and that high household costs can reduce the amount recipients can realistically spend on food. Specific deductions can expand SNAP access and increase benefits amounts by accounting for variation in household circumstances and cost of living. Common deductions that recipients rely on include: earnings deduction (20% of earnings from employment), excess shelter deduction, and medical deduction.<sup>137</sup> Updating and improving deductions, as detailed below, can strengthen the program's reach.

### LEGISLATIVE OPPORTUNITY

#### Promote SNAP access by eliminating asset limits

Although asset limits are designed to ensure that SNAP benefits are allocated to those most in need, they may create perverse incentives and dissuade low-income households from accumulating savings and achieving economic mobility. SNAP households in states that have relaxed their asset limits through BBCE are 8% more likely to have at least \$500 in their bank account.<sup>138</sup> Eliminating asset limits also reduces administrative burden on states and applicants; in Virginia, for example, administrative-cost savings from eliminating an asset test outweighed the cost of increased



provision of TANF benefits.<sup>139</sup> This change can also reduce SNAP “churn,” the costly cycling of households in and out of SNAP.<sup>140</sup> Eliminating SNAP’s asset eligibility threshold would codify what is already in practice under BBCE in most states and expand it to the other states, promote economic self-sufficiency, and improve administrative efficiency. Congress should adopt the provisions in the proposed ASSET Act and eliminate asset limits to ensure SNAP does not penalize families for saving.<sup>141</sup>

## LEGISLATIVE OPPORTUNITY

### Offer standard deductions for medical expenses

SNAP allows recipients to deduct excess medical expenses for unreimbursed medical costs over \$35 per month incurred by households with an elderly or disabled member.<sup>142</sup> The medical deduction is grossly underutilized, claimed by only 15% of households with elderly members and 8% of households with non-elderly members with disabilities in FY2019,<sup>143</sup> likely due to lack of awareness and a burdensome process to verify expenses and claim the deduction.<sup>144</sup>

States can apply to FNS for a waiver to utilize a standard medical deduction, increasing uptake and reducing administrative burdens. Rather than requiring verification of all medical costs, recipients must document at least \$35 in medical expenses to claim a standard deduction, streamlining the process greatly.<sup>145</sup> In FY2019, 21 states had standard medical deduction demonstration projects<sup>146</sup> offering deductions in the \$100–200 per month range.<sup>147</sup> (This deduction must be cost-neutral, meaning it must be offset by a reduction in deductions elsewhere.)<sup>148</sup> Research shows that standard medical deduction waivers increase uptake of medical deductions thereby increasing overall benefit amounts for those who are elderly and disabled while simultaneously reducing the paperwork burden on state agencies.<sup>149</sup>

In addition to mandating a standard deduction, Congress should also expand the medical deduction so that it is available to all households, because many households, not just those with elderly or disabled members, struggle with high medical bills. For example, a recent study found that 17.8% of U.S. residents carry medical debt with an average amount owed of \$429.<sup>150</sup> Another analysis found that median households with employee-sponsored health insurance paid \$2,200 in premium contributions and \$800 in out-of-pocket costs each year.<sup>151</sup>

One proposal before Congress, the Closing the Meal Gap Act includes a provision to adopt a minimum standard medical deduction of \$140 per month nationwide for households with an elderly or disabled member.<sup>152</sup> In the 2023 Farm Bill, Congress should create a standard deduction for medical expenses and should allow all households—not just households with an elderly or disabled member—to deduct medical expenses.

## LEGISLATIVE OPPORTUNITY

### Eliminate the cap on shelter expense deduction

In addition to medical expenses, SNAP allows recipients to deduct shelter expenses that exceed 50% of households’ net income (after all other deductions), though this deduction is capped at \$597 for households that do not have an elderly or disabled member.<sup>153</sup> The shelter deduction is widely used with 70% of SNAP recipients claiming it.<sup>154</sup> However, the cap diminishes the value of the deduction and inflates recipients’ countable income, leading to reduced eligibility and benefits levels.<sup>155</sup> For example, an analysis of FY2013–2014 data found that an estimated 14% of households currently claiming the deduction would see their SNAP benefits increase if the cap were removed, and that figure is likely higher now given the dramatic increases in costs of housing.<sup>156</sup>



The Closing the Meal Gap Act, noted above, would eliminate the cap on shelter expense deductions.<sup>157</sup> To increase SNAP access for households with high housing costs, Congress should enact this proposed change and eliminate the cap on excess shelter deductions.

## RECOMMENDATION

### Structure Food Assistance and SNAP to Ensure Adequate Access and Support Self-Governance and Self-Determination in Tribal Areas and U.S. Territories

People living in U.S. Tribal areas and territories experience persistently high rates of food insecurity and hunger. Research from 2010 found that 25% of American Indians and Alaska Natives were “consistently food insecure,” over twice that of white households,<sup>158</sup> and a survey found rates rising to almost 50% during COVID-19.<sup>159</sup> Rates of poverty and food insecurity are similarly high in territories. In Puerto Rico, 43% of adults and 57% of kids lived in poverty in 2018.<sup>160</sup> At that time, one-third of adults were food insecure,<sup>161</sup> a proportion that increased to 40% due to the pandemic.<sup>162</sup>

Due to high levels of food insecurity, on average 25% of Native Americans receive federal food assistance, with this proportion rising to 60–80% in some communities.<sup>163</sup> Native Americans living in tribal areas have access to two different forms of food support: SNAP and the Food Distribution Program on Indian Reservations (FDPIR) program. FDPIR is an alternative to SNAP provided to income-eligible households living on Indian reservations or approved areas near reservations or in Oklahoma, who may lack easy access to SNAP offices and retailers.<sup>164</sup> Rather than a cash benefit, FDPIR provides a food box with staple foods like grains, fruits,

vegetables and canned foods.<sup>165</sup> Indian Tribal Organizations (ITOs) or the state government administer FDPIR locally, and 276 Tribes receive benefits through 102 Tribal organizations and 3 states.<sup>166</sup> Eligible individuals can decide whether to receive SNAP or FDPIR but cannot receive both simultaneously.

Three U.S. territories also have an alternative arrangement, and currently residents of American Samoa, the Northern Mariana Islands, and Puerto Rico are ineligible for SNAP. (Residents of Guam and the U.S. Virgin Islands are eligible for SNAP though under slightly different eligibility and benefit rules.<sup>167</sup>) These three territories instead receive block grants through the Nutrition Assistance Program (NAP), under which a fixed amount of funds is available for food assistance, regardless of total need.<sup>168</sup> This inequitable treatment is likely the product of differential political pressures; in Puerto Rico, the more restrictive block grant scheme replaced the former Food Stamp Program in 1981 as a component of broader Reagan-era tax cuts.<sup>169</sup> Recently, the U.S. Supreme Court held, in *United States vs. Vaello-Madero*, that similar disparate treatment regarding Supplemental Security Income does not violate equal protection, indicating that future courts may similarly find disparate treatment in food assistance programs permissible.<sup>170</sup>

Despite this holding, Congress can still act to expand food assistance programs to ensure equal access to food for those living in Tribal areas and U.S. territories, as well as to structure SNAP to support self-governance and greater food sovereignty.

## LEGISLATIVE OPPORTUNITY

### Allow U.S. Tribes to govern their own SNAP administration

The 2023 Farm Bill should allow U.S. Tribes to manage their own SNAP administration





to improve food access and support self-determination and food sovereignty. Public Law 93-638 (often referred to as “638 authority”) provides Tribes with the authority to manage federal programs.<sup>171</sup> Until recently, there was no 638 authority in food access programs. However, the 2018 Farm Bill created a demonstration project for ITOs to procure food for FDPIR,<sup>172</sup> enabling Tribes to procure more food from Tribal producers.<sup>173</sup> There is no similar 638 authority for SNAP, though proposed legislation, the SNAP Tribal Food Sovereignty Act, would allow Tribes to enter into bilateral agreements with the USDA and administer SNAP.<sup>174</sup>

SNAP self-governance would likely reduce stigma and increase access by ensuring the program is administered in a culturally competent manner. Currently, Native Americans face significant stigma and discrimination when accessing food benefits,<sup>175</sup> and moving to self-governance could reduce or eliminate that systemic barrier and increase access. A study comparing SNAP and FDPIR found that some recipients preferred FDPIR because the offices were located on reservations, staffed by Tribal members and had “culturally compatible decorations, education materials, etc., that [made] FDPIR participants feel welcome and at home.”<sup>176</sup> In other contexts, Tribal governance has improved outcomes. For example, a study found that Tribal management of health systems led to increased perception of quality of care as well as improvements in waiting time, services offered, and number of people served.<sup>177</sup> Similarly evaluations of contracts in the Indian Health Service found that “using Tribal self-governance of the agency’s programs led to increased community participation, a comprehensive approach, responsiveness to community needs, improved coordination and communication (such as increased efficiency, less service duplication), and innovation in health practices and services.”<sup>178</sup> Beyond improving access, self-governance could also help Tribes promote traditional foods, empower local suppliers, and support Indigenous food

sustainability and sovereignty.<sup>179</sup>

To reduce stigma, improve access, and empower local suppliers, the 2023 Farm Bill should provide Tribes with 638 authority to manage SNAP and FDPIR, building on the existing FDPIR demonstration project.

### LEGISLATIVE OPPORTUNITY

#### Expand FDPIR and allow people to access SNAP and FDPIR simultaneously

FDPIR is available to income-eligible households living on Indian reservations as well as households containing a Tribal member who reside in approved areas near reservations or in Oklahoma.<sup>180</sup> However, otherwise eligible people who live in urban places (defined as a cities or towns with more than 10,000 people) are barred from receiving FDPIR unless that town or city is on a reservation or has received a waiver from FNS.<sup>181</sup> Additionally, people may not receive both SNAP and FDPIR simultaneously.<sup>182</sup> To expand access to food in Tribal areas, Congress should expand FDPIR and allow people to access both programs.

SNAP and FDPIR each have relative advantages and disadvantages. SNAP allows people to select their own purchases, which is less stigmatizing, but requires people to travel to SNAP retailers to purchase foods. An analysis found that if all residents relying on FDPIR used SNAP instead, food insecurity could increase due to lack of reliable transportation.<sup>183</sup> In contrast, FDPIR provides a box of staple products to people, which is easier to access but limits people’s options. There are also some differences in eligibility: 13% of households receiving FDPIR would not be eligible for SNAP, and 41% of FDPIR recipients would be eligible for SNAP but receive higher-value food items through FDPIR.<sup>184</sup>

Given the differences in program structure and eligibility and ongoing high rates of food insecurity in Tribal areas, there is clearly a place



for both programs. Given the need, people should be able to access both simultaneously. Congress should increase access to FDPIR by removing the urban place limitation and allowing recipients to utilize SNAP and FDPIR simultaneously.

### LEGISLATIVE OPPORTUNITY

#### Expand SNAP benefits to U.S. territories, including Puerto Rico

As noted above, residents of three U.S. territories are ineligible for SNAP, and these jurisdictions instead receive insufficient funding for food access through block grants, resulting in stricter eligibility criteria and lesser benefit amounts.<sup>185</sup> For example, in American Samoa, only low-income elderly, blind, or disabled individuals are eligible for the NAP program.<sup>186</sup> Similarly, in Puerto Rico in 2019, a family of four could receive a maximum benefit of \$410 per month (increased to \$493 in the wake of disastrous hurricanes) compared with \$642 per month for a family in the continental U.S.<sup>187</sup> Also because block grants are fixed amounts, they do not expand during recessions or emergencies and therefore cannot support economic recovery as effectively as SNAP.

Moving these three territories from NAP to SNAP would increase food access. A 2010 USDA feasibility study found that the implementation of SNAP in Puerto Rico would increase the number of households that receive nutrition assistance by over 15%.<sup>188</sup> Another Congressionally-mandated feasibility study is currently under way to review the possibility of transitioning the three U.S. territories from NAP to SNAP.<sup>189</sup>

In order for U.S. territories to successfully administer SNAP, Congress may also need to appropriate funding to support technology upgrades. Territories face unique geographical and technological hurdles to administering SNAP. For example, Northern Mariana Islands

currently relies on a paper-based system to administer NAP, and the move to SNAP would require significant funding for technology upgrades, additional staff, and staff support and training.<sup>190</sup>

Assuming territorial leadership approves, in the 2023 Farm Bill, Congress should move these three territories from NAP to SNAP to support food access and equity.

### RECOMMENDATION

#### ▶ Increase SNAP Access for Students in Higher Education

Food insecurity is a persistent problem in higher education. In 2019, the Association of American Colleges & Universities surveyed 86,000 students at two- and four-year institutions and found that 48% of two-year students and 41% of four-year students experienced either very low or low food security (i.e., “the limited or uncertain availability of nutritionally adequate and safe food, or the ability to acquire such food in a socially acceptable manner”).<sup>191</sup> These students typically face a number of related challenges—risk factors for food insecurity include being a low-income student, a first-generation college student, or a single parent.<sup>192</sup> The COVID-19 pandemic created new barriers for many students, such as the loss of a job, stable housing, and access to food sources and other support services provided on campus.<sup>193</sup>

Yet for years, millions of likely eligible low-income students have not received SNAP benefits, due to issues of accessibility and awareness.<sup>194</sup> Generally, students aged 18–50 attending an institution of higher education more than half-time are not eligible for SNAP unless they work at least 20 hours per week in paid employment or meet one of ten other exceptions, such as having a physical or mental



disability, participating in a state- or federally-financed work study program, or caring for a child under the age of 6, among others.<sup>195</sup> In 2016, 1.3 million food-insecure students reported not meeting SNAP's eligibility requirements.<sup>196</sup> Second, many students who are eligible may not participate due to accessibility: it is often difficult for students to determine whether they are in fact SNAP-eligible, and more difficult still to apply for benefits.<sup>197</sup> In 2016, another 1.8 million students who were potentially SNAP-eligible reported not participating in the program.<sup>198</sup>

Congress addressed some of these eligibility concerns temporarily during the pandemic. The Consolidated Appropriations Act, 2021 temporarily expanded eligibility to certain low-income students enrolled more than half-time who met income requirements but did not fall into any existing exceptions. The expansion included all students with zero expected family contribution on FAFSA and those eligible for state or federal work-study (even if they choose not to participate).<sup>199</sup> This increased eligibility remains in place until 30 days after the government lifts the declaration of the COVID-19 public health emergency. However, this expanded eligibility applies only to FAFSA filers. Non-FAFSA filers may continue to struggle with SNAP access,<sup>200</sup> which is especially troubling because FAFSA is a well-known barrier to low-income students.<sup>201</sup>

With the 2023 Farm Bill, Congress has significant opportunities to increase eligibility for and awareness of SNAP to reduce the number of students experiencing food insecurity, including by eliminating the work requirement for college students, and promulgating guidance on SNAP eligibility and enrollment.

### **LEGISLATIVE OPPORTUNITY**

**Eliminate the SNAP work requirement for college students**

Prior to the pandemic, college students aged 18–50 were not eligible for SNAP unless they worked more than 20 hours per week or met other exemptions. During the pandemic, Congress expanded eligibility to low-income college students who are eligible for work-study or have zero expected family contribution. In the 2023 Farm Bill, Congress should build on this foundation by treating attendance at an institute of higher education as sufficient to fulfill SNAP's work requirement, regardless of work-study status or expected family contribution. The proposed EATS Act of 2021 offers statutory language that would effectuate this change.<sup>202</sup> Alternatively, Congress could permanently codify the current temporary provisions, allowing students who are work-study eligible, Pell Grant-eligible, or have an expected family contribution of zero and otherwise meet SNAP requirements to bypass the work requirements and access SNAP, as is proposed in the Student Food Security Act of 2021.<sup>203</sup>

### **LEGISLATIVE & ADMINISTRATIVE OPPORTUNITY**

**Promulgate guidance on student SNAP eligibility and enrollment**

The job of making students aware that they might be eligible for SNAP often falls to individual universities and, within those universities, individual offices. Some universities are extremely successful in supporting students through the process of determining SNAP eligibility and applying for benefits. At UCLA, for example, the Basic Needs Office offers appointments and office hours to guide students;<sup>204</sup> this live counseling as well as videotaped walkthroughs minimize students' errors as they navigate California's SNAP program.<sup>205</sup> Unfortunately, many other universities are significantly less successful in raising awareness about SNAP.<sup>206</sup> Recognizing the need for more access, USDA recently named



college students a priority for SNAP outreach and application assistance.<sup>207</sup>

To improve SNAP accessibility for students, USDA—on its own or by Congressional directive—should, in partnership with the U.S. Department of Education, issue guidance that clarifies eligibility for students. This guidance should outline that low-income students can meet current SNAP exemptions if approved for work study as part of their financial aid package and if enrolled in any state or local educational programs that improve their employability.<sup>208</sup> It should also clarify that the “mental or physical unfitness” exemption—one of the ten exemptions noted above—includes experiencing homelessness, receiving disability or special needs accommodations through their colleges, and/or placed in college through their state’s veteran readiness and employment program.<sup>209</sup> Additionally, this guidance could include best practices regarding student outreach and education on SNAP.

## RECOMMENDATION



### **Reform SNAP to Enable Participants to Secure Adequate and Appropriate Food**

Beyond increasing eligibility and ensuring that eligible people participate in the program, it is imperative that SNAP benefits are sufficient to enable participants to secure adequate and wholesome food. The dollar amount of SNAP benefits are based on USDA’s Thrifty Food Plan (TFP), which outlines the “cost of a nutritious, practical, cost-effective diet prepared at home for a family of four.”<sup>210</sup> In addition to the Thrifty Food Plan, USDA also creates three other plans: Low-Cost, Moderate-Cost, and Liberal, all of which have higher cost levels than the TFP.<sup>211</sup> While the four USDA plans provide the same caloric levels, the difference in plan costs

translates to a variance in recommendations for what foods should account for those calories, with higher cost plans offering more variety in food types, as well as foods higher in nutritional value.

USDA also recently updated the Thrifty Food Plan, as directed by the 2018 Farm Bill (which required USDA to re-evaluate the plan by 2022 and every five years thereafter)<sup>212</sup> and President Biden’s January 22, 2021 Executive Order (which directed the USDA to consider updating food assistance benefits to accurately reflect the costs of a standard healthy diet today).<sup>213</sup> This review led to the issuance of a new TFP.<sup>214</sup> The new TFP took effect October 2021 and increased the maximum SNAP benefit amounts (excluding pandemic-related increases) by 21% compared to previous levels.<sup>215</sup> However, the change occurred at the same time that the 15% increase in pandemic relief phased out, which made the adjustment seem more modest, around \$12 to \$16 per person per month over pandemic levels.<sup>216</sup> Moreover, many households are still receiving the maximum SNAP benefit under the emergency allotments so these recipients will experience another decrease when this pandemic-era relief ends.

While the update of TFP is a strong start, Congress can go further to ensure that SNAP recipients have access to wholesome, nutritious, culturally relevant foods by increasing SNAP benefit levels and permitting the purchase of hot foods with SNAP. The temporary increases and flexibilities enacted in response to COVID-19 also proved beneficial for many households across the United States, supporting codification of similar policies in the next farm bill.

## LEGISLATIVE OPPORTUNITY

**Increase SNAP benefits to adequate levels and base benefits amount on the Moderate- or Low-Cost Food Plans**



As the pandemic has highlighted, SNAP is a crucial resource for low-income households, and increasing SNAP benefits would likely have wide-ranging economic, social, and health benefits. Due to the relatively high multiplier effect, increasing food assistance benefits provide substantial economic stimulus.<sup>217</sup> For example, as noted above, a \$1 billion increase in SNAP benefits during an economic slowdown could support 13,560 jobs, with almost 500 of those in the agricultural sector.<sup>218</sup> Beyond economic stimulus, increased SNAP benefits reduce food insecurity and are linked to better health outcomes, particularly among children and other vulnerable populations. By one estimate, increasing the maximum monthly SNAP benefit by 10% could lead to a 22% reduction in the number of SNAP households experiencing very low food security.<sup>219</sup> Raising SNAP benefits has also been linked to healthier dietary intakes,<sup>220</sup> improved childhood health and wellness,<sup>221</sup> and reduced hospitalization among vulnerable older adults.<sup>222</sup> It is especially critical to increase SNAP benefits at the current moment as the pandemic's effects linger and supply-chain issues and the cost of fuel have increased the cost of food.<sup>223</sup>

In order to improve benefit adequacy, Congress should require USDA to base SNAP benefit calculations on the Moderate-Cost Food Plan or the Low-Cost Food Plan, rather than the Thrifty Food Plan (TFP). While the update of the TFP was a strong start given the big increase in benefits, upgrading the food plan to Moderate or Low-Cost will build on the recent increase and set recipients up for success in the long-term, particularly because the recent TFP upgrade included some unrealistic assumptions about the time available for recipients to cook.<sup>224</sup>

Congress should require USDA to base SNAP benefit allotments on the Moderate-Cost Plan or Low-Cost Plan, which would increase SNAP benefits and improve access to nutritious,

culturally-relevant food for SNAP recipients and likely improve their overall wellbeing.

## LEGISLATIVE OPPORTUNITY

### Allow SNAP recipients to purchase hot and prepared food with SNAP benefits

SNAP benefits cannot typically be used for prepared foods because the statutory definition of “food” for the purpose of SNAP excludes “hot foods or hot food products ready for immediate consumption.”<sup>225</sup> Given time and resource scarcity, the prohibition on purchasing hot and prepared products hinders access to nutritious foods. There are myriad reasons SNAP recipients may be unable to prepare their own foods: they may lack access to a kitchen or cooking equipment; they may not be able to afford their gas bills; they may have physical disabilities that limit their ability to cook; they may be homeless.<sup>226</sup> As one formerly homeless peer counselor put it, “People don’t have a refrigerator or stove in their tent.”<sup>227</sup> Prohibiting purchase of hot foods with SNAP harms the most marginalized SNAP recipients.

Beyond access to the basic necessities for cooking, many SNAP recipients simply do not have time to cook. The TFP and accordingly SNAP benefits are based on the assumption that recipients will prepare all foods themselves. An analysis of the new TFP diet found that recipients would have to reallocate almost a quarter of the time spent working and commuting to cooking to meet USDA’s nutritional and budgetary model.<sup>228</sup> Permitting purchase of hot and prepared foods can allow time-strapped recipients and those without kitchens access to nutritious, wholesome foods rather than relying on processed, convenience foods. While hot-prepared foods may be more expensive than the \$1.40 per meal SNAP recipients typically receive, it is possible to produce low-cost, healthy meals as some hot foods may be healthier than typical SNAP meals (i.e., a rotisserie chicken).



In the 2023 Farm Bill, Congress should remove the ban and allow SNAP recipients to purchase time-saving and healthy hot and prepared foods with SNAP benefits. It could do so by adopting the provisions of the SNAP PLUS Act of 2021.<sup>229</sup>

## LEGISLATIVE OPPORTUNITY

### Promote the SNAP Restaurant Meals Program

Generally, recipients cannot use SNAP benefits for foods intended to be consumed on the premises or for meals sold at restaurants. As noted above, this restriction is because the definition of “food” in the Food and Nutrition Act of 2008, excludes “hot foods or hot food products ready for immediate consumption” in most circumstances.<sup>230</sup> Additionally, the definition of “retail food stores” permitted to accept SNAP benefits excludes restaurants, by requiring that retail food stores offer a set number of “staple foods,” such as meat, poultry, fish, bread or cereals, vegetables, or dairy products.<sup>231</sup> The law restricts the use of SNAP benefits to “food from retail food stores which have been approved for participation.”<sup>232</sup>

However, the definition of “food” includes exemptions for food served to people who are elderly, disabled or experiencing homelessness under special circumstances.<sup>233</sup> The law permits “private establishments . . . to offer meals for such persons at concessional prices.”<sup>234</sup> Pursuant to these provisions, FNS has approved a few states to operate a Restaurant Meals Program (RMP), which permits states with an approved program to allow SNAP recipients who are elderly, disabled, or experiencing homelessness to purchase meals and hot food from a limited number of participating restaurants.<sup>235</sup> To

receive approval for an RMP, a state must demonstrate to FNS that beneficiaries will be unable to use SNAP without an exception for restaurant meals, and must submit detailed plans for restaurant approval and projected number of beneficiaries. FNS has full discretion over RMP approval.<sup>236</sup>

The current RMP program is underutilized. Though it expanded during COVID-19, as of 2021, only a few states operate RMPs,<sup>237</sup> and even in states that do, few restaurants participate. States have put restrictions on their programs: for example, Illinois only allows restaurants in select zip codes in two counties to participate.<sup>238</sup> Even without such roadblocks, restaurants may be reluctant to join; in order to participate, they need to jump through bureaucratic hoops, offer low-cost meals, and purchase equipment to process EBT cards.<sup>239</sup> There are also administrative barriers for states, because in order to participate they must be able to identify which SNAP recipients meet criteria to participate (elderly, disabled or experiencing homelessness).<sup>240</sup>

Despite these significant challenges, RMP is a promising program, providing flexibility to some of the most marginalized SNAP recipients while generating new clientele and revenue for restaurants that were hit hard economically during the pandemic. Congress should direct USDA to promote the program and engage SNAP administrators, restaurants, and beneficiaries to make the program more accessible and administrable and to ensure it includes restaurants with nutritious offerings. Congress should also expand the program to cover more beneficiaries, not just those who are elderly, disabled or experiencing homelessness, moving forward.



# GOAL II



## Improve the Overall SNAP Ecosystem and Program Administration to Promote Access for Both Retailers and Recipients

Given SNAP's role in combatting food insecurity and bolstering the economy, it is important to ensure that it is administered easily, efficiently, and equitably. Unfortunately, that is not the experience for many SNAP recipients and retailers. Administrative and technical challenges can limit the number of households receiving SNAP and can cause logistical challenges for both SNAP beneficiaries and retailers who seek to participate in the program.

Currently, 18% of eligible households nationwide do not enroll in SNAP, despite being entitled to its support.<sup>212</sup> Households that do participate may face frustrations when using their benefits, due to limited access to online food purchasing or stigma related to out-of-date payment technology. States also must contend with the high administrative costs of running the SNAP program. Administrative flexibilities allowed during the COVID-19 pandemic lightened the burden, in many cases, for both state employees and SNAP recipients. The 2023 Farm Bill presents an opportunity for Congress to build on those learnings and improve SNAP operations for recipients, retailers, and administrators by addressing challenges related to technology and administrative requirements.

### RECOMMENDATION



#### Modernize and Improve SNAP Technology, Including SNAP Online and Payment Options

In recent years, the food and retail landscape has been dramatically altered by changes in payment technologies, delivery services, and a general trend towards online shopping, all of which have been accelerated by the COVID-19 pandemic. Online grocery purchases, for example, more than doubled in 2020 and are expected to see continued growth.<sup>241</sup> These ongoing trends have affected households nationwide and have already spurred Congress and USDA to implement reforms to modernize SNAP.

In one such initiative, the 2014 Farm Bill instructed the Secretary to authorize retailers to allow online purchases using SNAP.<sup>242</sup> A SNAP Online Purchasing Pilot launched in April of 2019,<sup>243</sup> and in response to increased demand for online orders during the pandemic, USDA quickly expanded the program.<sup>244</sup> As of April 2022, online purchasing was available in 49 states and the District of Columbia.<sup>245</sup> However, at that time, there were only about 100 retailers approved and fewer than 10 approved in most states.<sup>246</sup> Large retailers and chains dominate



the SNAP online space, and in several states the only options were Amazon, Sam's Club and Walmart.<sup>247</sup>

Additionally, the 2018 Farm Bill required a pilot program for mobile SNAP payments,<sup>248</sup> and the American Rescue Plan of 2021 (ARPA) provided \$25 million to support SNAP online and mobile payment development and to provide technical assistance to retailers and farmers markets to adopt these technologies.<sup>249</sup> However, as of April 2022, the mobile SNAP payment pilot was still in development.<sup>250</sup>

Requirements imposed on retailers to participate in SNAP Online and delays in the mobile payment pilot have left SNAP households with fewer options than non-SNAP households. At this critical inflection point in how households purchase food, it is imperative that Congress takes steps to modernize SNAP and give recipients the same options as non-SNAP households.

### LEGISLATIVE OPPORTUNITY

#### **Promote SNAP Online nationwide and provide funding and technical assistance to help small and mid-size retailers accept online EBT payments**

While it is important to note that not all SNAP recipients have access to reliable internet (13% of low-income earners lacked home broadband, a smartphone or a computer in 2021),<sup>251</sup> SNAP Online is still a vital program for a large segment of SNAP households. In 2020, USDA reported that the number of SNAP households placing online orders increased from just 35,000 in March to 769,000 by the end of June.<sup>252</sup> In total, more than \$1.5 billion in SNAP benefits were redeemed online between February and December of 2020, and total SNAP online purchases grew each month during that timeframe.<sup>253</sup> With online ordering becoming a preferred method of consumption for SNAP households, expanding the program should be

a focal point for legislators.

While online SNAP improves access for recipients, as noted above, the market is dominated by several large-scale grocers, limiting its ability to revitalize local economies and support small businesses. Only about 100 of the over 250,000 retailers<sup>254</sup> who accept SNAP across the country currently participate in SNAP Online. While 80% of SNAP-authorized retailers are smaller stores, technological requirements (described below) keep smaller retailers from participating in SNAP Online. Having smaller, local businesses shut out of SNAP Online reduces the program's ability to support local economies,<sup>255</sup> particularly because, as previously discussed in this report, each dollar of SNAP spending roughly equates to \$1.54 in economic growth.<sup>256</sup>

The limited range of retailers available for SNAP Online purchases reduces flexibility and options for consumers, especially with regards to accessing culturally relevant food. Moreover, SNAP recipients whose preferred grocers are not approved for online purchasing are put at a disadvantage compared to non-SNAP shoppers. This issue was highlighted by the COVID-19 pandemic, as many older and immunocompromised SNAP recipients were forced to go in-person to use their benefits at their local grocer in order to continue shopping at their preferred retail location.<sup>257</sup>

Unfortunately, significant technological barriers to entry make SNAP online inaccessible to many smaller retailers. Currently, online retailers must meet a variety of technological requirements in order to accept SNAP Online, including integration of a secure PIN-entry system for EBT purchases.<sup>258</sup> These requirements can make SNAP Online cost-prohibitive. Most technology companies that assist in providing the point-of-sale technology necessary to enable online purchasing charge fees, meaning that retailers must have a high volume of





online EBT business in order to recoup the cost of implementation.<sup>259</sup> Additionally lack of payment processing options lead to long wait times for smaller vendors.<sup>260</sup>

The \$25 million investment in SNAP Online technology and technical assistance provided in ARPA will help support SNAP Online's expansion nationwide and to smaller retailers, but more work and funding likely remains necessary. Congress should require USDA to report on the use of that funding and what additional resources and support are required to bring more small- and mid-size retailers into the program, including funding for technology and fees associated with the program. In addition to funding and technical assistance for immediate onboarding, Congress should require USDA to research opportunities for streamlining online EBT payments longer-term, for example through payment integration options for retailers.

### **LEGISLATIVE OPPORTUNITY**

#### **Offer funding to pay for delivery fees on online purchases from farmers, small businesses, or independent food retailers**

Congress has currently not authorized SNAP to cover delivery fees for online purchases.<sup>261</sup> This is in tension with SNAP's goal of promoting food access. Online delivery is frequently available in many areas without access to healthy and nutritious foods through brick-and-mortar grocery stores. 93% of residents in urban food deserts have full access to grocery delivery, making it a key way for food to be accessed in such areas.<sup>262</sup> But, under the current parameters, SNAP participants are unable to take advantage of these opportunities.

Some retailers are waiving fees of their own accord. Amazon and Walmart have both committed to waive the delivery fee for SNAP EBT purchases that exceed a certain minimum

and Instacart waived delivery fees for SNAP EBT purchase from January to March in 2022.<sup>263</sup> As large businesses, these retailers have the ability to forgo those costs, but many small businesses do not have the same luxury.<sup>264</sup> Subsidizing delivery fees on purchases made from small retailers, farmers, or independent retailers can remove a barrier to SNAP Online redemption, support sales from these businesses, and help make the food system economy more diverse and resilient.

### **LEGISLATIVE OPPORTUNITY**

#### **Create a permanent mobile payment platform to modernize EBT payments**

Congress should invest in new and modern electronic payment methods for SNAP, such as mobile payment capability or other industry-approved technology. While EBT systems are convenient in many ways, they also impose a number of burdens on SNAP participants. SNAP users may experience outages, long waits for replacements, or stigma from using an out-of-date card.

Currently, 77% of shoppers use some form of mobile payment, including the majority of consumers in every age group.<sup>265</sup> However, EBT users do not have the option to redeem their benefits via mobile payment, even as app-based and mobile payments become a preferred method of purchasing for shoppers around the country. Creating a system for mobile benefit redemption could improve the SNAP system for its recipients in myriad ways:

- Several states limit the number of EBT cards to one per household.<sup>266</sup> By creating a mobile payment system, multiple shoppers within a single household could make use of SNAP benefits.
- SNAP recipients whose EBT cards are lost or damaged could, with mobile payments, continue to use their benefits while



awaiting a replacement card.

- Consumers could pay using their preferred method. Currently, many low-income households use mobile payments; in 2016, 18% of mobile payment app users reported an income of less than \$25,000 per year.<sup>267</sup> Many SNAP beneficiaries may already use their phones to manage their benefits using the Providers app, which allows SNAP and WIC recipients to view their benefit balances from their mobile phones.<sup>268</sup> Adding a mobile payment option would allow SNAP beneficiaries to pay in a way that feels comfortable, eliminates the stigma of using an outdated payment method, and allows for one-stop payment and management of benefits on a single mobile device.
- Mobile payments may make transacting easier for small and independent retailers, such as sellers at farmers' markets.

The 2018 Farm Bill required FNS to pilot mobile payments for SNAP in up to five states and then determine if this technology should expand nationwide.<sup>269</sup> These pilots are anticipated to run for 12 months.<sup>270</sup> As of April 2022, the Mobile Payment Pilot Request for Volunteers (RFV) was in development.<sup>271</sup>

Beyond this pilot, creating a mobile EBT payment platform would not be charting new territory for USDA. In September 2021, MarketLink—a USDA grant program operated by the National Association of Farmers Market Nutrition Programs—announced it would be launching a digital wallet for farmers and farmers markets to facilitate the acceptance of additional federal benefits.<sup>272</sup>

Both these programs are steps in the right direction; however, Congress should mandate a more aggressive timeline to support new payment methods. Specifically, in the 2023 Farm Bill Congress should instruct USDA to

begin work on a full-scale mobile payment platform that is cost-effective and industry- and recipient-approved and ideally could also apply to WIC. Developing and deploying this new technology would allow recipients to participate in payment trends occurring among non-SNAP shoppers and potentially make payments easier for vendors at the same time.

## RECOMMENDATION

### **Promote Reforms to Improve Recipient Experience, Reduce Administrative Burden and Increase SNAP Access**

SNAP is one of the nation's leading food access and anti-poverty interventions—able to mobilize quickly to support people through economic hardship, as shown by experience of the COVID-19 pandemic. Despite SNAP's proven track record of success, reforms in program administration could improve program operation in a number of arenas: application process, household income verification, and user experience. Improving the process, and recipient user experience, of applying for and recertifying for SNAP would increase SNAP access and reduce SNAP churn, which also reduces the administrative costs for states.

A prime area for reform is administrative requirements for applications, reporting, and recertification. While applications for SNAP have been moving away from paper and toward online, the process can still be burdensome. The application requires a face-to-face or telephone interview which can be helpful for gathering information and determining eligibility but also difficult for both state agency staff and recipients and delay approval. After the initial application, SNAP participants typically must report mid-year and recertify their benefits every year by submitting paperwork and



performing an interview.<sup>273</sup>

The COVID-19 pandemic upended this process by increasing demand for SNAP, mandating remote work for state agencies administering SNAP, causing staffing shortages, and requiring changes to the overall application workflow.<sup>274</sup> The Families First Coronavirus Response Act passed by Congress in March 2020 gave USDA authority to allow states to adjust their procedures to accommodate the circumstances. Changes permitted by USDA included:

- Extending SNAP certification periods and temporarily waiving the periodic updating requirement for beneficiaries; this waiver to extend certification periods initially ran through May 2020, though for certain states this waiver was extended through December 2021 through the Continuing Appropriations Act, 2021 and May 2021 guidance from USDA; states can seek waivers until a month after the COVID-19 public health emergency is lifted,<sup>275</sup>
- Allowing recipients to recertify via more

streamlined periodic report procedures rather than the more extensive recertification; this waiver was permitted in the Continuing Appropriations Act, 2021 and provided flexibility to states for recipients due to recertify through December 31, 2021;<sup>276</sup>

- Waiving interview requirements for many recipients during initial application and recertification (so long as the recipients provide certain information and states can verify income and identity) and rejecting any requests for face-to-face interviews,<sup>277</sup> and
- Eliminating other administrative aspects of the application process, for example suspending in-person collection of documents,<sup>278</sup> and allowing staff to document client verbal attestation instead of requiring audio recording of clients to serve as telephonic signature.<sup>279</sup>

As Congress contemplates changes for the 2023 Farm Bill it should use these streamlined requirements as inspiration, making some of these changes permanent and piloting



other programs to ease administrative burden on states and recipients without sacrificing programmatic accuracy.

### **LEGISLATIVE & ADMINISTRATIVE OPPORTUNITY**

#### **Continue COVID-era relaxations of administrative requirements**

Several of SNAP application changes instituted as a result of the pandemic—permitted under legislation as well as through USDA waiver and guidance—should be made permanent. These application changes could include allowing recipients to recertify via more streamlined periodic report procedures, eliminating the requirement for an interview as part of the initial application and recertification process (so long as necessary applicant/recipient information can be acquired), reducing the burden of other administrative steps such as eliminating the requirements for a telephonic signature (an audio recording of applicant’s attestation) or replacing it with an e-signature.

These changes would improve access for applicants and recipients and continue Congress and USDA’s progress in making the program more responsive to recipients’ needs. For example, SNAP used to require a face-to-face interview for all applicants and recipients at recertification unless they could show a hardship, like illness or lack of transportation.<sup>280</sup> In 2017, USDA passed a final rule that relaxed this requirement, permitting telephone interviews even without a show of hardship.<sup>281</sup> During the pandemic this requirement was relaxed further with the interview requirement waived completely, so long as the applicant or recipient could provide certain information, and the state could verify income and identity.<sup>282</sup> Changes like this help reduce the high administrative burden of running SNAP for states and make it easier for recipients to apply for and access benefits.<sup>283</sup> A study examining SNAP recertification in San Francisco County

found that families with less time to complete the recertification process (due to randomly assigned interview dates) were 10% less likely to succeed in recertification and 2% less likely to participate in SNAP the next year despite having a similar need and profile to families with earlier interview dates (and thus more time to complete the recertification process).<sup>284</sup> This study shows that increased administrative burdens (in this case due to a shortened period to complete the recertification process) can result in decreased access.

The pandemic upended many standard procedures and expectations around SNAP application and recertification and revealed another path was workable. Congress and USDA should eliminate requirements that COVID-era relaxation showed were unnecessary, such as in-person or phone interviews, to remove barriers and increase access to SNAP.

### **ADMINISTRATIVE & LEGISLATIVE OPPORTUNITY**

#### **Expand opportunities for cross-enrollment in benefits**

Social safety net programs, including SNAP, are administered by many different agencies and have a tangle of eligibility requirements. Despite some distinctions, most of these programs are means-tested (i.e., eligibility is determined based on income and other economic factors) and thus have overlapping eligibility factors. Common enrollment or cross-enrollment allows applicants to apply for multiple safety net benefits at once or automatically enrolls them based on eligibility for another program, reducing the administrative burden on applicants. For example, children enrolled in SNAP are categorically eligible for free school meals and must be automatically enrolled as of 2008. Although initial compliance was spotty, by 2015, 91% of eligible students were automatically enrolled.<sup>285</sup> Increasing cross-enrollment would help fulfill the mandate



outlined in President Biden’s Executive Order on Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government to “reduce administrative hurdles and paperwork burdens” and make “improving service delivery and customer experience” a fundamental governmental priority.<sup>286</sup> However, as of right now, cross-enrollment is relatively uncommon as social service agencies have limited data and guidance on the practice and few incentives to increase it.

Data sharing restrictions and attendant concerns often hamper cross-enrollment efforts. Agencies typically collect data to operate their own programs but are reluctant or unwilling to share this data with other agencies due to siloes or privacy concerns.<sup>287</sup> Oftentimes these barriers may be perceived rather than real: for example, statutorily, SNAP data may be disclosed to help administer other federal assistance programs.<sup>288</sup> State officials overseeing federal program compliance have “consistently found that existing rules permit both sharing data and the use of data matching” from SNAP and Medicaid to facilitate WIC enrollment.<sup>289</sup> Still even general guidance around data sharing may not suffice as risk averse agencies refuse to share data without explicit authorization. For example, the goal of the recent proposed HIPAA privacy rule was to increase collaboration between social services agencies and health plans,<sup>290</sup> however the proposed rule would not clarify whether SNAP and WIC enrollment can be shared with Medicaid health plans to facilitate cross-enrollment, creating a potential roadblock.

Despite legal and policy concerns, research shows that sharing participant data across programs and establishing common enrollment platforms can increase access to benefits and reduce burdens on recipients. The Center on Budget and Policy Priorities (CBPP) and Benefits Data Trust (BDT) studied cross-enrollment between Medicaid, SNAP and WIC, finding extensive gaps in enrollment and opportunities

to expand access. After matching Medicaid, SNAP and WIC data, researchers found significant cross-enrollment gaps—in Virginia there were approximately 117,000 households enrolled in WIC, and another 114,000 eligible (due to participation in foster care, Medicaid, SNAP, and/or TANF) but not enrolled.<sup>291</sup> After the data matching, the researchers sent targeted text messages to enroll these eligible families, leading to 5–9% increase in WIC participation.<sup>292</sup>

Cross-enrollment pilots and programs are emerging on the state level. For example, in July 2021, Massachusetts allowed Medicaid applicants and recipients to use their paper healthcare applications or renewals to trigger SNAP applications, and the state plans to expand this functionality to online applications shortly.<sup>293</sup>

Congress and USDA should expand opportunities for cross-enrollment and incentivize the practice. The Administration can start by further providing clear guidance on federal laws and regulations implicated in data sharing so that confusion and uncertainty do not discourage state and local innovation. For example, USDA and Centers for Medicaid and Medicare Services should provide guidance on the HIPAA privacy rule to authorize agencies to share data on enrollment in Medicaid, SNAP, and WIC. For its part, Congress should establish funding opportunities, incentives, and pilots to advance cross-enrollment opportunities. For example, the HOPE Act of 2021 would provide funding to support state and local pilots for cross-enrollment and other programs to increase economic opportunity.<sup>294</sup>

## LEGISLATIVE OPPORTUNITY

### Fund and scale innovative programs that facilitate SNAP outreach and enrollment

Beyond cross-enrollment, there are many other opportunities to facilitate SNAP outreach and enrollment. Across the country, community



groups, faith groups, technology providers and advocates collaborate with government to improve access to SNAP using innovative approaches. One such approach is online applications for SNAP—an analysis found that they improved accessibility (particularly for those living far from SNAP offices) and customer service and had user-friendly features.<sup>295</sup> For example, Code for America worked with California to create a short online form to facilitate enrollment in SNAP.<sup>296</sup> For those who are less technologically savvy, hotlines, such as USDA’s Hunger Hotline run by Hunger Free America<sup>297</sup> and Project Bread’s FoodSource Hotline available in 180 languages,<sup>298</sup> can support outreach about SNAP.

Currently, USDA can support efforts related to innovation in outreach and enrollment through the Process and Technology Improvement Grants (PTIG), which offer up to \$5 million annually to projects that improve SNAP operations and processes.<sup>299</sup> These grants are available to state and local agencies and non-profits, including community- and faith-based organizations.<sup>300</sup> In the 2023 Farm Bill, Congress should provide additional funding for PTIG to support these innovative approaches with a focus on programs that use a culturally- and linguistically-appropriate approach and human-centered design principles to facilitate SNAP

(and WIC) outreach and enrollment.<sup>301</sup>

### **LEGISLATIVE OPPORTUNITY**

#### **Require states to track customer service metrics and reward strong results through performance-based grants**

In the 2023 Farm Bill, Congress should mandate that states monitor and track customer service outcomes (using satisfaction surveys, churn rates and other indicators), and Congress should reward strong results through performance-based grants. Congress and USDA have a history of utilizing performance-based grants to motivate states. Previously, USDA was authorized to award \$48 million in grants annually to “States that demonstrate high or most improved performance in administering SNAP” (as indicated by payment accuracy, case and procedural errors rates, program access index and application processing timeliness) though this program was cut in the 2018 Farm Bill.<sup>302</sup> With the next farm bill, Congress could require that states monitor customer service outcomes and create a similar bonus program focused on customer service and satisfaction outcomes rather than administration. Rewarding positive customer success outcomes incentivize states to reduce administrative burdens that can result in barriers to access or program churn while also improving user experience for applicants and recipients.



# GOAL III



## Improve Public Health and Increase Access to Healthy, Nutritious Foods, Especially for Marginalized Populations

Diet is a leading contributor to premature death in the United States, responsible for over 500,000 deaths in 2016 alone.<sup>303</sup> Diet-related diseases—heart disease, cancer, cerebrovascular disease and diabetes—are the first, second, fourth and seventh leading causes of death, respectively.<sup>304</sup> In addition, diet-related diseases are also extremely expensive to treat. The four leading diet-related diseases—diabetes, cancer, coronary heart disease and obesity—carry annual costs of over \$850 billion collectively.<sup>305</sup>

Higher fruit and vegetable consumption is significantly associated with decreased all-cause mortality and cardiovascular mortality, and possibly also with reduced cancer mortality.<sup>306</sup> It is also associated with decreased risk of cardiovascular disease, stroke, hypertension, type 2 diabetes, and several types of cancer.<sup>307</sup> However, studies have shown that diets that include fruits, vegetables, lean proteins, and whole grains are more expensive than less healthy diets, which contain refined grains, added sugars, and saturated fats.<sup>308</sup> Such diets are estimated to cost over \$1.50 more per day, which contributes to the fact that many low-income households spend their limited resources on energy-dense foods that are low in nutrients.<sup>309</sup> These figures are even more significant because, prior to the COVID-19 pandemic, the average individual SNAP benefit

per person amounted to about \$1.40 per meal.<sup>310</sup>

At the same time, individuals in lower socioeconomic groups are disproportionately burdened when it comes to diet and diet-related diseases. They experience the highest rates of obesity and non-communicable disease and the lowest rates of fruit and vegetable consumption.<sup>311</sup> As a result of systemic discrimination, low-income individuals facing food insecurity also experience a wide range of negative health consequences, including elevated risks of diabetes, depression, pregnancy complications, and chronic disease.<sup>312</sup>

While the Nutrition Title of the farm bill has long sought to improve food access and food security among low-income households through programs such as SNAP, historically there has been markedly less focus on the health outcomes of the populations served.<sup>313</sup> Recently, however, USDA has taken strides to better supplement food access initiatives with healthy diet goals.<sup>314</sup> Strategic Goal 7 of the FY 2018–2022 USDA Strategic Plan, for instance, focused specifically on “provid[ing] access to safe and nutritious food for low-income people” as well as “support[ing] and encourage[ing] healthy dietary choices through data-driven,



flexible, customer-focused approaches.”<sup>315</sup> The Biden Administration and USDA recently introduced the concept of nutrition security (discussed in the text box below) to bring to the fore issues of diet quality and diet-related disease and to acknowledge that food access alone is necessary but not sufficient to improve health and prevent disease.

## NUTRITION SECURITY

The Biden Administration and USDA have reframed food access to include nutrition security, which is “consistent access, availability and affordability of foods and beverages that promote well-being, prevent disease, and, if needed, treat disease.”<sup>316</sup> The concept of nutrition security builds on the concept of food security and highlights how the quality of a diet can result in or reduce diet-related diseases<sup>317</sup> and also acknowledges the co-existence of food insecurity and diet-related disease. By focusing on nutrition security, USDA aims “to support progress towards healthier eating patterns in an equitable way.”<sup>318</sup> In March 2022, USDA announced a blueprint to promote nutrition security, reduce diet-related chronic diseases and advance health equity through four main pillars: (1) providing nutrition support, (2) connecting Americans with healthy, safe, affordable food, (3) developing and enacting nutrition science through partnership, and (4) prioritizing equity.<sup>319</sup>

Addressing nutritional challenges, particularly among low-income and senior populations, is central to improving our nation’s public health and is currently under-addressed.<sup>320</sup> A 2021 GAO report found that the government’s efforts to address diet-related disease was fragmented and lacked sustained government-wide leadership and a strategy.<sup>321</sup> Against this backdrop of the exceptional costs of poor diet and its disproportionate effect on low-income

populations and communities of color, the next farm bill presents a unique opportunity to address diet-related health challenges facing millions of households. By integrating a health orientation into traditional food access programs, the next farm bill can support initiatives that improve both food security and long-term health outcomes for participants. Establishing new programs and expanding current programs will require some additional initial investments, but these expenses would be offset in part by broader savings through improved health outcomes and lower healthcare costs.<sup>322</sup>

## RECOMMENDATION

### Strengthen Food Assistance Programs That Promote Healthy Choices Among SNAP Participants

The 2018 Farm Bill renamed the Food Insecurity Nutrition Incentive (FINI) grant program, created in the 2014 Farm Bill, as the Gus Schumacher Nutrition Incentive Program (GusNIP). This program provides federal grant funding to support both nutrition incentive and Produce Prescription Programs, new in 2018, that aim to increase fruit and vegetable consumption in low-income households.

- **Nutrition Incentive Grants:** GusNIP nutrition incentive grants provide funding for programs that make additional dollars available to SNAP participants who spend their benefits on fruits and vegetables.<sup>323</sup> These grants generally require a dollar-for-dollar match, meaning grantees must provide an equal amount of funding—from state, local, or private sources—for every federal dollar requested.<sup>324</sup> This match requirement was temporarily reduced to 10% under the Consolidated Appropriations Act, 2021,<sup>325</sup> but returned





to 50% under GusNIP's Fiscal Year 2021 Request for Proposals.<sup>326</sup>

- **Produce Prescription Grants:** Produce Prescription grants support projects that provide fruit and vegetable prescriptions and financial or non-financial incentives to encourage produce consumption.<sup>327</sup> These projects must serve low income individuals (i.e., individuals who are eligible for SNAP or enrolled in Medicaid) who are suffering from, or at risk of developing, diet-related health conditions.<sup>328</sup> Unlike nutrition incentive grants, the Produce Prescription grant program does not include a match requirement.<sup>329</sup>

The 2018 Farm Bill increased funding for the GusNIP program to \$250 million, with a maximum of 10% of program funding set aside to support Produce Prescription grants over five years (2019-2023).<sup>330</sup> Research indicates that these programs have the potential not only to improve fruit and vegetable consumption and related health outcomes, but also to deliver financial benefits to retail partners and the overall community.<sup>331</sup> For example, a recent study found that the \$13 million in funding provided to GusNIP grantees generated over \$41 million in local economic impact.<sup>332</sup> As a result, the refinement and expansion of these programs can play an important role in improving individual and public health, while also delivering economic benefits.

Similarly, the Seniors Farmers' Market Nutrition Program (SFMNP) awards grants to states to provide vouchers for low-income seniors to purchase eligible foods at farmers' markets, roadside stands, and Community Supported Agriculture (CSA) programs.<sup>333</sup> The 2018 Farm Bill maintained the funding set in the 2014 Farm Bill, providing \$20.6 million per year through 2023.<sup>334</sup> The target population is individuals over the age of sixty with household incomes less than 185% of the federal poverty guidelines—or yearly income of \$21,978 for an

individual.<sup>335</sup> Low-income seniors are especially vulnerable to poor nutrition and diet-related diseases.<sup>336</sup> By providing these vouchers, SFMNP aims to improve the nutritional status of this vulnerable population. The SFMNP was modeled on the WIC Farmers' Market Nutrition Program (FMNP), a program authorized under Child Nutrition Reauthorization (rather than the farm bill) which Congress established in 1992 to provide locally-grown fruits and vegetables to WIC participants as well as to expand sales at farmers' markets.<sup>337</sup> Eligible foods under SFMNP include fruits, vegetables, honey, and fresh-cut herbs.<sup>338</sup> In FY2020, 54 states, territories and federally-recognized Indian Tribal Organizations (ITOs) participated in SFMNP, serving over 725,000 low-income seniors.<sup>339</sup> 4 states do not participate in SFMNP.<sup>340</sup> The seniors served in SFMNP purchased produce from 14,000 farmers at approximately 5,000 farmers markets, roadside stands, and CSAs in FY2020.<sup>341</sup>

USDA procurement of fresh produce for distribution through food assistance channels offers another opportunity to promote healthy choices while simultaneously supporting small and mid-sized farms and specifically socially-disadvantaged farmers. For example, the pandemic-era Farmers to Families Food Box Program distributed over 173 million boxes of fresh produce to low-income Americans,<sup>342</sup> and proposals like the Fresh Produce Procurement Reform Act,<sup>343</sup> seek to build on this model. A separate FBLE Report, **Farm Viability**, addresses opportunities to utilize procurement to support farmers and improve access to produce.

Congress should use the next farm bill as an opportunity to expand upon both GusNIP and SFMNP, two successful programs that promote healthy choices among marginalized low-income populations. By devoting additional resources to these programs, Congress can better ensure that low-income households receive food assistance that helps improve nutrition and long-term health outcomes.



## LEGISLATIVE OPPORTUNITY

### Expand access to nutrition incentives

Current research indicates that nutrition incentive programs, such as those supported through GusNIP grants, have the potential to benefit both program participants and retail partners.<sup>344</sup> However, these grants are time-limited and fail to reach many areas of the country.<sup>345</sup> To create more continuous, equitable access to nutrition incentives, Congress should use the next farm bill to expand access to nutrition incentives to SNAP benefits nationwide. Specifically, Congress should integrate nutrition incentives as a core component of SNAP, available to every SNAP participant for use at their local, and preferred, SNAP vendors. To do so, Congress should expand the GusNIP model, making additional SNAP dollars available following the purchase of fruits and vegetables for all SNAP participants.

By making the shift from a grant-based initiative to a national model, Congress would significantly expand the number of people reached, reduce implementation complexity, and create the greatest potential for improving population health. However, in the event that Congress is not yet prepared for such a change, it should at minimum make changes to expand access to SFMNP and GusNIP and remove barriers to GusNIP participation. Specifically, Congress should:

- **Increase funding for SFMNP and GusNIP**  
Given the success of SFMNP and GusNIP up to this point, Congress should use the next farm bill to increase overall funding for both programs. In doing so, Congress can expand their reach and impact, improving access to fruits and vegetables for many individuals across the United States.
- **Reduce the match requirement for GusNIP nutrition incentive grants**

As noted above, GusNIP nutrition incentive grants currently require applicants to match federal dollars \$1 for \$1 with money from local, state, or private sources.<sup>346</sup>

This requirement can create a barrier to entry, disadvantaging organizations that do not have the historical relationships or pathways needed to acquire matching funds. It also harms established and proven programs who have built the infrastructure and systems to reach families and yet must continue to raise money to support these programs year after year. If they are unable to raise the match requirement for GusNIP each round, they cannot access the funding and offer services to their existing sites, reducing overall access and threatening investments made thus far.

In the wake of the COVID-19 pandemic—and resulting rise in food insecurity—Congress temporarily reduced this dollar-for-dollar match requirement to 10% under the Consolidated Appropriations Act, 2021.<sup>347</sup> Congress should use the upcoming farm bill as an opportunity to make this change permanent, thereby promoting more equitable access to program funds in the long-term.

- **Establish funding to support capacity building for potential GusNIP grantees**  
Congress should establish funding to support capacity building for new potential GusNIP grantees. Currently the program is consolidated to a few states and regions. Notably, in 2019, \$23.6 million of \$32 million in GusNIP nutrition incentive grant awards were given to four organizations located in Michigan and California.<sup>348</sup> Between 2015–2020, these two states received over \$5 million and \$8 million more, respectively, in GusNIP funding than all southern states combined.<sup>349</sup> These disparities may stem from a variety of issues—ranging



from the ways in which the program prioritizes applicants that already have necessary infrastructure in place (as the USDA is required to prioritize applicants that maximize the proportion of funds dedicated to the incentives themselves)<sup>350</sup> to local challenges in establishing new programs. To promote more equitable geographic distribution of GusNIP grants, Congress should establish funding to support capacity-building grants and technical assistance for potential grantees. Grant funding could be distributed by the GusNIP Nutrition Incentive Program Training, Technical Assistance, Evaluation, and Information Center (GusNIP NTAE), similar to the capacity-building funds already available for current and former grantees,<sup>351</sup> and could prioritize regions/states with a history of minimal prior GusNIP funding. Concurrently, GusNIP NTAE could provide technical assistance to support new applicants.

- **Fund and study technology improvements needed for produce-specific SNAP benefits**

To fully expand the GusNIP model nationwide, more technology upgrades are needed. For example, states would need funding to integrate incentives into the current EBT and SNAP Online systems.<sup>352</sup> To build out this infrastructure, Congress should provide funding to states for these technological upgrades. As more payments for more produce-specific programs, like WIC FMNP transition to electronic payments, USDA should also study the impacts of programs that remain on paper, including SFMNP.

### **LEGISLATIVE OPPORTUNITY**

#### **Retain and expand the GusNIP Produce Prescription grant program**

Although the 2018 Farm Bill did not formally

institute a Food is Medicine pilot program, as recommended in FBLE's 2018 report,<sup>353</sup> Congress did create a Produce Prescription grant program.<sup>354</sup> As noted above, this program operates within GusNIP to improve "dietary health through increased consumption of fruits and vegetables," as well as to reduce food insecurity and health care costs.<sup>355</sup>

The 2018 Farm Bill's incorporation of the Produce Prescription grant program has proved to be an important part of GusNIP, providing a focus on the connection between nutrition and diet. However, many areas of the country still lack access to Produce Prescription Programs.<sup>356</sup> Given these gaps, and the emerging research on positive health impacts,<sup>357</sup> Congress should strengthen GusNIP's investment in the produce prescription model. Specifically, in addition to increasing the overall funding for GusNIP, Congress should expand the proportion of GusNIP funds dedicated to Produce Prescription grants. The 2018 Farm Bill limited produce prescription funding to a maximum of 10% of GusNIP funds.<sup>358</sup> By increasing this proportion to 20% Congress could empower USDA to better support the proliferation and expansion of Produce Prescription Programs across the United States.

### **ADMINISTRATIVE OPPORTUNITY**

#### **Increase the size of individual Produce Prescription grants**

USDA should also increase the allowable size of individual grants in the GusNIP Produce Prescription grant program. The National Institute of Food and Agriculture (NIFA; the USDA mission area that manages GusNIP grants) currently caps GusNIP Produce Prescription grants at \$500,000 across three years,<sup>359</sup> with only a quarter of these funds available for program outreach, administration, and evaluation.<sup>360</sup> In contrast, applications for large-scale nutrition incentive grants may exceed \$500,000.<sup>361</sup> By allowing applications



for Produce Prescription grants to exceed \$500,000, as is allowed for large-scale nutrition incentive grants, NIFA could better advance the field of produce prescriptions. Specifically, larger grants would allow grantees to: conduct more robust evaluation, initiate large-scale projects, and address gaps in infrastructure (e.g., transportation barriers or lack of retail partners) that may be preventing the launch of programs in less well-resourced areas of the country.

## RECOMMENDATION

### **Work with Retailers to Strengthen Access to Healthy Foods for SNAP Recipients**

As a program, SNAP depends on the participation of its over 250,000 authorized food retailers where participants can redeem their benefits.<sup>362</sup> Retailers must meet certain requirements and have authorization from USDA to accept SNAP. SNAP retailers profit significantly from the program, receiving \$78 billion in SNAP sales in FY20,<sup>363</sup> representing approximately 8% of total grocery sales.<sup>364</sup> While 80% of SNAP-authorized retailers are smaller stores, over 80% of total SNAP benefits are redeemed at larger chains.<sup>365</sup>

All SNAP-retailers owe recipients an environment that promotes healthy choices. SNAP retailers impact recipients' food purchases and their access to healthy foods through marketing, the retail environment and other practices, collectively referred to as "commercial determinants of health."<sup>366</sup> U.S. residents are awash in marketing for unhealthy food, and low-income communities and communities of color are particularly targeted for this predatory marketing.<sup>367</sup> Specifically, a growing body of research outlines how corporate practices impact SNAP participants' environment and thus their purchasing choices. For example, a 2018 study in New York found

an increase in advertisements for sugar-sweetened beverages on SNAP benefit issuance days compared to non-issuance days.<sup>368</sup> This unhealthy retail environment builds on and exacerbates existing disparities in access to healthy food. With the 2023 Farm Bill, Congress has the opportunity to begin to address the retail environment to support access to healthy foods for SNAP recipients.

## LEGISLATIVE OPPORTUNITY

### **Require USDA to study marketing practices and innovations to promote a healthier retail environment**

As noted above, the marketing practices both in-store and online, and the general overall environment of SNAP retailers impact SNAP recipients' choices and access to healthy food. A 2014 USDA report on promoting healthier purchases by SNAP recipients identified targeted merchandising and promotions as a promising option.<sup>369</sup> With the 2023 Farm Bill, Congress has the opportunity to address in-store and online marketing practices of SNAP authorized retailers. Congress should require USDA to study SNAP retailers' marketing practices both in-person and online, with a focus on predatory promotion of unhealthy products especially when benefits are issued and an eye towards establishing SNAP retailer food marketing standards.<sup>370</sup> Additionally, USDA should study and pilot innovative retail-level practices that can create a healthier retail environment and increase purchasing of healthy foods by SNAP recipients.<sup>371</sup>

## RECOMMENDATION

### **Support Successful SNAP-Ed Programs and Fund New Culturally Competent Interventions**



With a budget of \$464 million in FY22,<sup>372</sup> SNAP Education (SNAP-Ed) is the nation’s largest and most important nutrition education and obesity prevention program. SNAP-Ed has been authorized in the farm bill and the Child Nutrition Reauthorization.<sup>373</sup> The 2018 Farm Bill maintained SNAP-Ed, but failed to significantly increase funding.<sup>374</sup> SNAP-Ed is a state-led, voluntary nutrition education program that seeks to promote healthy food choices and physical activity for SNAP participants.<sup>375</sup> Examples of SNAP-Ed programming includes individual educational programming such as nutrition classes and more community-based policy, systems, and environmental (PSE) programming that takes a population approach to health and food systems.<sup>376</sup> To receive federal funding, states must first create an implementation plan, or “Nutrition Education State Plan,” including goals, a needs assessment, proposed evidence-based interventions, and a budget.<sup>377</sup> In many cases, states contract with private or public agencies to implement SNAP-Ed programs, including land-grant universities, food banks, community organizations, and public health departments.<sup>378</sup> These plans implement interventions, or methods of providing programming, which must meet “evidenced-based nutrition education and obesity prevention activities that are based on the Dietary Guidelines for Americans.”<sup>379</sup>

Congress recently appropriated additional funding to USDA for SNAP-Ed administrative efforts through the Consolidated Appropriations Act, 2022, including funding to support FNS for administrative purposes such as technical assistance and training.<sup>380</sup> FNS plans to use these funds to improve data collection, outcome reporting and transparency over state use of funds.<sup>381</sup>

In the next farm bill, Congress should build on this increase in funding to improve the program’s operations and reach. Specifically, Congress should provide resources to identify,

research and scale successful SNAP-Ed programs, and in particular should fund culturally competent PSE programming that meets the needs of the targeted low-income population.

## LEGISLATIVE OPPORTUNITY

### Increase resources to identify, research, and scale successful SNAP-Ed programs

Congress should devote more resources to successful SNAP-Ed programs in the next farm bill, with a focus on increasing and standardizing evaluation to identify effective projects with proven track records that can be scaled up or replicated elsewhere at efficient costs, as well as prioritizing research to help states understand what works in SNAP-Ed. Better funded and better designed education and PSE programs can positively impact diet and health benefits for SNAP participants, potentially lowering the risk of chronic health problems such as diabetes, heart disease, and cancer.<sup>382</sup>

To identify successful programs, Congress should provide more funding for tracking and evaluation and require USDA to collect better and more standardized data about SNAP-Ed programs.<sup>383</sup> Currently, any state that administers a nutrition education service is required to submit an annual report that identifies the state’s use of funds, describes its projects, and analyzes the impacts and outcomes of the programs.<sup>384</sup> This report allows USDA to evaluate state SNAP-Ed programming.<sup>385</sup> In addition, the 2018 Farm Bill required states to use an electronic reporting system to monitor and evaluate projects, as well as account for state agency administrative costs.<sup>386</sup> Despite these multiple reporting mechanisms, a GAO study found that the “information USDA collects from states on SNAP-Ed effectiveness cannot be easily aggregated or reviewed” because data collection and metrics are inconsistent, making



it difficult to evaluate effectiveness across programs.<sup>387</sup> Accordingly, Congress should require USDA to standardize data collection on SNAP-Education programs. Moreover, Congress should fund and USDA should implement a robust evaluation program built on CDC's Center for TRT and the resulting SNAP-Education Toolkit<sup>388</sup> and Evaluation Framework.<sup>389</sup> With strong evaluation practices and standardized reporting, USDA can compare programs across states or the nation to identify the most effective programming.

Congress should also provide funding for research, which could be used to analyze data collected through the 2018 Farm Bill's new evaluation requirements to help inform the SNAP-Education toolkit and future programming. Data collection is only as valuable as the research it informs, and research requires funding, particularly complex projects like longitudinal studies that evaluate the long-term impacts of SNAP-Education interventions.

Lastly, once these programs have been identified via data collection and research, the 2023 Farm Bill should provide additional funding for federal grants for most effective programs to allow them to scale up and broaden their geographic coverage<sup>390</sup> as well as funding for technical assistance to support states. These awards would incentivize states to improve the effectiveness of their SNAP-Education programs and ensure federal funds are spent on data-driven, proven programming. Additionally, scaling up effective programs will ensure they are available to as many SNAP recipients as possible. Standardizing data collection, scaling effective projects, and funding more research will help ensure that the half billion in SNAP-Education funding is spent effectively on best interventions for improving community-wide health.<sup>391</sup>

## LEGISLATIVE OPPORTUNITY

### Fund culturally competent PSE-based SNAP-Education programming

Congress should provide funding to support policy, systems and environmental (PSE) interventions, in particular those developed with cultural competence and awareness.<sup>392</sup> SNAP-Education includes not only individual approaches to education, but also interventions focused on community-level approaches to improving nutrition, meeting people where they are—in the places they eat, work, shop and live.<sup>393</sup> PSE interventions can, for example, address “socioeconomic factors and . . . [make] healthy choices more accessible, easier and the default choice.”<sup>394</sup> PSE interventions could improve nutrition of food in a school or build linkages between local farmers and food banks to promote access to fresh produce.<sup>395</sup> States are increasingly incorporating PSE approaches to SNAP-Education—in 2014 only 56% of states included at least one PSE approach in their state plans compared to 98% in 2016.<sup>396</sup> PSE interventions should be responsive to local cultures and attitudes and should be community-driven and should be realistic about the resources, such as money and time, available to low-income people. For example, the Nutrition Pantry Program is a trauma-informed PSE change intervention that improves food environment and client engagement at food distribution



sites, by supporting client engagement, implementing strategies to increase access of healthy food by pantry clients, and helping to sustain those changes over time.<sup>397</sup>

In the next farm bill, in addition to funding research and mechanisms to identify successful SNAP-Ed programming, Congress should allocate funding to promising culturally-competent PSE programming which are responsive, community-driven and meet the needs of the targeted population.

## RECOMMENDATION

### **Support a Robust Healthy Food Financing Initiative at USDA**

Authorized by the 2014 Farm Bill, the Healthy Food Financing Initiative (HFFI) program requires the National Fund Manager to provide financial support (grants and loans) and technical assistance to food retailers and other healthy food enterprise projects that are designed to improve access to healthy foods in underserved areas.<sup>398</sup> HFFI primarily aims to address the geographic component of food access, a phenomenon often referred to as “food deserts” and increasingly described as “food apartheid” to better capture the racialized and systemic nature of the disparities in access.<sup>399</sup> The Obama Administration spearheaded the launch of a multi-agency approach to healthy food financing in 2010, inspired by the innovative models developed and promoted by the Food Trust, Reinvestment Fund, and PolicyLink.<sup>400</sup> Under that Executive initiative, the Department of Health and Human Services offered HFFI-focused Community Economic Development Grants and the Department of the Treasury provided—and continues to provide—funding opportunities and technical assistance to Community Development

Financial Institutions for financing for healthy food businesses.<sup>401</sup>

Starting in 2017, the USDA HFFI has been administered by a “National Fund Manager” selected by the Secretary, a role that has been filled by Reinvestment Fund.<sup>402</sup> Congress reauthorized HFFI in the 2018 Farm Bill in recognition of the program’s importance and potential.

Unfortunately, HFFI has not seen the level of investment necessary to fully realize that potential. Although the 2014 Farm Bill authorized appropriations of \$125 million until expended, Congress did not fund the program until 2017 and has only appropriated between \$1–\$5 million each year since then.<sup>403</sup> Projects can be incredibly impactful; in 2020, targeted small grants (up to \$200,000) went to support the establishment of grocery retail, alternative retail and local food systems, supply chain infrastructure, and e-commerce/grocery delivery across the country.<sup>404</sup> According to Reinvestment Fund, 40% of the awards supported projects serving rural communities and 65% went to projects led, or where the food enterprise was owned, by “people of color, low-income people, women, and/or native people.”<sup>405</sup> Nevertheless, the program was equipped to support just 20 projects totaling approximately \$3 million in the face of 245 applications requesting over \$40 million.<sup>406</sup> The annual appropriations cycle has thus failed to meet the demand, and potential impact, of this program.

## LEGISLATIVE OPPORTUNITY

### **Establish mandatory funding to support the USDA HFFI**

HFFI continues to be a smart, impactful mechanism for increasing access to healthy, nutritious food options in underserved communities. Deployed well, HFFI grants,



loans, and technical assistance can catalyze community development and economic growth through job creation and support for local businesses, as has already been seen in the projects receiving awards from Reinvestment Fund and other regional healthy food financing programs. It is challenging, however, to realize the program's full potential with such a small

pool of funds to draw from each year; several million dollars only allows for small grant awards to a select few applicants. To ensure impact and mobilize community revitalization, Congress should convert the HFFI authorization to one for mandatory annual funding of \$25 million each year.





## Reducing Food Waste in the Farm Bill

Food waste is a significant issue in the United States, with approximately 35% of all food produced or imported going unsold or uneaten.<sup>407</sup> This food waste generates about 270 million metric tons of CO<sub>2</sub> equivalent greenhouse gas emissions each year, the same as 58 million passenger vehicles.<sup>408</sup> At the same time, millions of people deal with food insecurity on a daily basis. This disconnect represents one of the most significant inefficiencies in our national food system. With such a gross disparity between the amount of food produced and the amount available to those in need, the farm bill must address the problem of food waste in addition to promoting food security and access.

For the first time, Congress took steps in the 2018 Farm Bill to directly address food waste, including clarifying liability protections for food donors, financing food recovery for farmers, encouraging food waste reduction through community compost funding, and improving coordination for food waste reduction efforts across USDA.<sup>409</sup> The opportunity remains, however, for further legislative action to address the root causes and on-the-ground realities of food waste.

Together with partners at the Natural Resources Defense Council, ReFED, and the World Wildlife Fund, FBLE-member institution, Harvard Law School Food Law and Policy Clinic, has prepared a new report, *Opportunities to Reduce Food Waste in the 2023 Farm Bill*.<sup>410</sup> The report contains detailed recommendations for the 2023 Farm Bill which would help to curb and combat food waste, with a focus on opportunities to prevent food waste, recover surplus food, promote food waste recycling, and enhance coordination in food waste prevention efforts. Legislative goals include:

- Standardizing and clarifying date labels to reduce food being prematurely thrown out;
- Creating and funding a national educational campaign centered around food waste;
- Promoting technology that will help cut down on waste;
- Expanding grant funding and tax incentives to promote food recovery and donation;
- Providing funding and support for policies and programs that encourage organic waste recycling; and
- Providing new funding and positions to promote food waste prevention efforts at USDA and across government agencies.

The 2023 Farm Bill represents an opportunity for Congress to take strong action to reduce food waste, finally addressing the massive disparity between the food we produce and the food that reaches people's tables. For more information on food waste in the Farm Bill, see: *Opportunities to Reduce Food Waste in the 2023 Farm Bill*.<sup>411</sup>



# GOAL IV



## Strengthen Federal Disaster Response Related to Food Access and Build On Innovative Pandemic Relief Programs

The COVID-19 pandemic created unprecedented hardship for individuals and families across the country. As much of the nation entered quarantine in March 2020, many households experienced unemployment, housing instability, uncertain health outcomes, and food insecurity. The unyielding nature of this disaster meant that low-income households, in particular, continue to navigate new challenges amid increased economic stress. To help mitigate these challenges, Congress passed a series of relief bills in 2020 and 2021; among their primary goals: keeping families fed.

The relief bills provided mechanisms to address disaster-related food needs including emergency allotments for SNAP beneficiaries,<sup>412</sup> Pandemic EBT (P-EBT), which provided money for food to households with children who lost access to school meals due to pandemic-related school closures;<sup>413</sup> and, the USDA Farmers to Families Food Box, which aimed to distribute fresh produce, dairy, and meat products to hungry households through food boxes from distributors whose workforces were impacted by the pandemic.<sup>414</sup> Disaster-related food aid that existed prior to the pandemic includes disaster-SNAP (D-SNAP), which provides replacement benefits for SNAP recipients who lost food because of the disaster and also provides support to households that would not

ordinarily be eligible for nutrition assistance through SNAP.<sup>415</sup> The COVID-19 pandemic has created an opportunity—and an imperative—to strengthen or make permanent several such federal disaster responses.

Support provided through temporary relief packages and existing disaster response mechanisms has not been fully inclusive, and serious challenges persist. For instance, there is no permanent framework allowing for supplemental benefits distribution to all SNAP recipients upon declarations of major disasters.<sup>416</sup> And while D-SNAP expands eligibility for nutrition assistance even beyond regular SNAP recipients,<sup>417</sup> its application timelines and requirements can create barriers for those seeking relief.<sup>418</sup>

Even as the COVID-19 pandemic subsides, the nation is experiencing a period of “persistent disaster,” weathering the long-term effects of the pandemic while also experiencing increased vulnerability to natural disasters due to historical changes in climate and human interference. Applying lessons learned during the pandemic will be critical to developing a comprehensive federal disaster response that will ensure that low-income, marginalized populations nationwide can meet their basic needs post-disaster.



## NATIONAL FOOD STRATEGY AND RESILIENCY PLANNING

The COVID-19 pandemic highlighted the urgent need for a U.S. National Food Strategy to support the food system's resilience and help the United States address the interrelated crisis of food-related inequality, diet-related disease, and environmental and climate disruption.<sup>419</sup> Currently 15 different administrative agencies and 30 statutes govern the operations of the country's food system. This jurisdictional morass burdens food system actors like producers, retailers, and consumers and makes it difficult to plan or hold agencies accountable.<sup>420</sup> A National Food Strategy would coordinate the U.S.'s approach to food and agriculture law and policy. Many peer nations have created similar reports in response to crises.<sup>421</sup> The planned White House Conference on food and nutrition can provide the foundation for this effort,<sup>422</sup> but broad cross-governmental coordination is required to ensure the country's food system is resilient and able to meet both current demands and the challenges of future disasters. As a first step, Congress could ask the GAO to explore mechanisms and infrastructures to increase coordination around food issues, particularly during and after disasters.<sup>423</sup>

## RECOMMENDATION

### Strengthen Disaster Relief Food Access via Updates to Supplemental Benefits

There should be a permanent, established mechanism allowing for the immediate distribution of supplemental benefits to all SNAP recipients upon the presidential declaration of a major disaster.<sup>424</sup> The Families First Coronavirus Response Act of 2020 (FFCRA) temporarily authorized emergency SNAP

allotments during the pandemic.<sup>425</sup> Under the provisions of Section 2302(a), the Secretary of Agriculture was required to issue these emergency allotments on the condition that: 1) the Department of Health and Human Services has declared a public health emergency related to the coronavirus, and 2) a state has issued an "emergency or disaster declaration" related to the coronavirus. Delays in implementation meant that many states' SNAP recipients did not receive emergency allotments until mid-April or later.<sup>426</sup>

The FFCRA provided a framework for supplemental nutrition assistance in response to the COVID-19 pandemic, but initially, there were barriers preventing comprehensive access to emergency SNAP benefits in addition to delays.<sup>427</sup> In particular, those households already receiving maximum SNAP benefits were excluded from emergency allotments.<sup>428</sup> In April 2021, following the settlement of litigation brought in Pennsylvania and California,<sup>429</sup> the Biden Administration clarified eligibility and began providing an additional \$95 emergency allotment to households receiving the maximum benefit.<sup>430</sup>

### LEGISLATIVE OPPORTUNITY

**Establish a permanent disaster response mechanism that provides immediate supplemental benefits to all SNAP recipients upon the presidential declaration of a major disaster**

Congress should establish a permanent mechanism that immediately allows for the distribution of supplemental benefits to SNAP recipients upon the presidential declaration of a major disaster or emergency. The COVID-19 pandemic underscored SNAP as a necessary resource for low-income households in general, but especially when disaster strikes.<sup>431</sup>

The FFCRA provided a model for extending supplemental benefits to SNAP recipients



through emergency allotments. Congress should adapt the language of Section 2302(a) to establish a permanent emergency relief mechanism that may be implemented upon any presidential declaration of a major disaster. Allowing for this implementation would include a broader range of national disasters and ensure that delays are less likely.

Congress can use language found in the FFCRA to model a provision in the 2023 Farm Bill, creating a permanent disaster response mechanism. In lieu of stipulating that the mechanism be initiated “in the event of a public health emergency declaration by the Secretary of Health and Human Services,”<sup>432</sup> this provision can allow for immediate relief to be granted upon the presidential declaration of a major disaster. Relief shall include additional SNAP funding released to the states for distribution to SNAP recipients through emergency allotments.

### LEGISLATIVE OPPORTUNITY

#### Clarify protocols to ensure that maximum recipients receive emergency SNAP allotments

While the emergency SNAP allotments authorized under the FFCRA provided much-needed relief to households during the pandemic, they were not without controversy. Initially, the response was criticized for its failure to provide additional relief to maximum benefits recipients (i.e., households already receiving the maximum benefit for their household size).<sup>433</sup>

In April 2021, following the settlement of litigation brought in Pennsylvania and California, President Biden signed an executive order to remedy the issue and allow larger emergency SNAP allotments for the lowest-income households and propose that USDA issue new guidance that would allow states to increase emergency SNAP allotments for those

who need it most.<sup>434</sup> USDA subsequently issued guidance revising its interpretation of Section 2302(a) and stating that the department has discretion to provide emergency SNAP allotments for temporary food needs even for maximum benefits recipients.<sup>435</sup>

In creating a permanent disaster mechanism providing emergency relief for SNAP recipients, Congress should include a provision clearly establishing the eligibility of recipients receiving maximum benefits for emergency relief. USDA plays a central role in estimating the maximum amount of “temporary food needs” that a typical household may experience during and post-disasters that emergency SNAP allotments are meant to address. Language codifying a permanent disaster mechanism should also make clear that emergency relief include “... emergency Supplemental Nutrition Assistance Program allotments for the lowest-income households.”<sup>436</sup>

### LEGISLATIVE OPPORTUNITY

#### Ensure SNAP swiftly responds to disruptions through automatic stabilizers

SNAP has an extraordinary power to respond to economic downturns and other shocks and disasters, and scholars have underscored the need for increases in SNAP benefits, such as the 15% boost to household allotment that occurred during the pandemic, to help stabilize SNAP recipients and the economy as a whole.<sup>437</sup> However, as discussed above, uncertainty and political realities can delay these increases during times of critical need: for example, during the Great Recession, it took a year for Congress to approve SNAP benefit increases,<sup>438</sup> and similarly during COVID-19, Congress did not approve the 15% boost in benefits until the Consolidated Appropriations Act was signed in late December 2020.<sup>439</sup>

To prevent future delays, Congress should strengthen SNAP’s ability to respond to



community need by enacting “automatic stabilizers,” which would automatically boost benefits during future crises. For example, the proposed Food for Families Crisis Act of 2020 would eliminate work requirements and increase SNAP benefits during periods of elevated unemployment in the U.S.,<sup>440</sup> and similarly a plan by Sen. Bennet would automatically increase SNAP benefits by 15% during economic downturns.<sup>441</sup> To ensure SNAP responds swiftly and effectively to future crises, Congress should incorporate these provisions into the 2023 Farm Bill.

## RECOMMENDATION

### **Reduce Barriers to Accessing D-SNAP and SNAP Benefits During Disasters**

D-SNAP provides replacement benefits for SNAP recipients for food that was lost during the disaster event and was bought using SNAP benefits.<sup>442</sup> It also provides nutrition assistance to households that otherwise would not be eligible for SNAP.<sup>443</sup> D-SNAP is not automatically implemented upon a major disaster or emergency declaration—states must submit to FNS a request to operate D-SNAP in a disaster area.<sup>444</sup>

States do not need to implement a full D-SNAP program to support SNAP recipients impacted by a disaster. States may request replacement benefits for individuals regardless of whether a major disaster declaration has been made; however, these requests must take place immediately following the disaster and subsequent food loss.<sup>445</sup> Although FNS may consider state requests to extend the application period, most only last seven days.<sup>446</sup> States may request a waiver of individual requests for replacement benefits and, instead, be permitted to institute a mass issuance of replacement benefits for a defined geographical

area.<sup>447</sup> These waivers are particularly relevant when meaningful numbers of households are affected by a disaster. In these circumstances, the replacement benefits are automatically posted to each SNAP recipients’ EBT card.<sup>448</sup>

## LEGISLATIVE OPPORTUNITY

### **Promote D-SNAP enrollment by ensuring remote access**

Typically, D-SNAP applicants must complete an interview in-person. This requirement can be a significant barrier, especially given the trauma that disaster victims have already suffered. Prior to COVID-19, FNS agreed to allow qualifying interviews for D-SNAP for certain clients over the phone rather than in-person,<sup>449</sup> and during COVID-19 remote interview options for D-SNAP have been available temporarily to support social distancing.<sup>450</sup> In the 2023 Farm Bill, Congress should ensure this critical access is made permanent for all households during future D-SNAP operations.

## LEGISLATIVE OPPORTUNITY

### **Allow states to automatically issue replacement benefits to SNAP recipients upon a major disaster declaration**

When an emergency scenario rises to the level of a major disaster declaration, allowing for automatic issuance of replacement benefits for SNAP recipients within a designated disaster zone—particularly when there is a high likelihood that large numbers of people are impacted—would save considerable administrative time and money; it also would allow benefits to reach more people in need more quickly by not requiring food loss reporting on an individual basis. Furthermore, households receiving SNAP are often more vulnerable to meeting basic needs in the wake of disaster; automatic benefits replacement for SNAP recipients provides a straightforward and efficient means of ensuring greater food security for low-income households.



## ADMINISTRATIVE OPPORTUNITY

### Create a blanket hot foods waiver during disasters

Currently recipients may not use SNAP benefits to purchase hot or prepared foods. However, states may submit a hot foods waiver to FNS for approval any time that a presidential declaration of a major disaster has been granted for a specified geographic area.<sup>451</sup> This waiver, if granted, temporarily allows SNAP recipients who reside within the affected area to use their benefits to purchase hot and prepared foods.<sup>452</sup> However, the slow timeline for states to apply for and receive a hot foods waiver makes it less effective. This process can result in substantial delay meaning that survivors of a disaster, who may be displaced from their homes, must wait to access hot and prepared meals. Furthermore, this delay reduces opportunities

to communicate with recipients, because by the time FNS grants a waiver, survivors of a disaster may have dispersed.

To improve access to food for survivors of disasters, USDA should grant a blanket hot foods waiver following a disaster declaration. This blanket waiver would not only save considerable administrative time and money, but also make it easier to conduct broader outreach and communication to SNAP recipients and retailers regarding the availability of hot foods benefits in the wake of a disaster. As discussed earlier in this report (see page 19), Congress could go further and eliminate the hot foods restriction entirely, allowing SNAP recipients to purchase time-saving and healthy hot and prepared foods with SNAP benefits.



## P-EBT and Summer Assistance for Children and Families

As part of the pandemic response, Congress created and USDA implemented Pandemic EBT (P-EBT), a program designed to support families with funding for meals when schools are closed. P-EBT provides benefits on an EBT card to eligible school children who would have received free or reduced-price meals during school closures or times of reduced school hours (families who already receive SNAP receive funds on their existing SNAP EBT card). P-EBT launched in April 2020 and continues to the present day.<sup>453</sup> It is available during the summer as well, including for summer 2022. Initially P-EBT provided \$5.86 per child per school day missed, though this amount was increased 15% to \$6.82 by the Biden Administration in January 2021.<sup>454</sup> Over the summer, students received a total of \$375 for the summer.<sup>455</sup> An analysis of P-EBT found that it has been effective in preventing food insecurity. During school year 2020–2021, P-EBT reduced “food insufficiency in SNAP households by 28%.”<sup>456</sup> In states with high rates of school closure, impacts were larger with household food insufficiency reduced by 39%.<sup>457</sup>

P-EBT provides a proof-of-concept for Congress to provide longer-lasting support for families and prevent food insecurity while schools are out of session, including during summer break, school holidays and any other unexpected school closures. The P-EBT program took its inspiration from USDA’s Summer EBT pilots,<sup>458</sup> which started in 2011 as demonstration pilots to study benefits of using SNAP to support low-income children during summer months.<sup>459</sup> Both summer EBT and P-EBT were found to reduce food insecurity and increase nutritional outcomes,<sup>460</sup> while having a higher uptake rate than traditional summer meals programs which only reach about 15% of students.<sup>461</sup> P-EBT continues to demonstrate the important role that summer and out-of-school assistance can play in our nutritional aid system.

Though not tied to the farm bill, P-EBT represents an important opportunity for nutrition assistance that could provide lasting benefits to children and families. Congress should consider codifying P-EBT as a permanent program for summers and future emergencies in the Child Nutrition Reauthorization.



# Conclusion

The farm bill plays a critical role in promoting food and nutrition security and helping U.S. households secure wholesome, healthy food. The COVID-19 pandemic highlighted the intense need for food assistance among our nation's poorest residents as well as the impact of diet-related diseases on health and well-being. Both food insecurity and diet-related diseases are structural issues that require multifaceted,

comprehensive approaches to rectify. The farm bill's food and nutrition programs are a cornerstone of tackling hunger and nutrition in the United States. As the country emerges from the COVID-19 pandemic, Congress should take up the Recommendations in this Report to promote food access, nutrition, and public health in the next farm bill.





# Endnotes

- <sup>1</sup> The term “food insecurity” is often used alongside the term “hunger.” Hunger refers to an individual-level physiological condition that may result from food insecurity. It is a “potential consequence of food insecurity, that because of prolonged, involuntary lack of food, results in discomfort, illness, weakness, or pain that goes beyond the usual uneasy sensation.” This report will refer exclusively to food insecurity, while recognizing the significant consequences of hunger and the need for more adequate methods to measure hunger nationally. *Definitions of Food Security*, ECON. RSCH. SERV., U.S. DEP’T OF AGRIC., <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx> [https://perma.cc/8RPC-AN8Z].
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- <sup>11</sup> DOUG O’BRIEN ET AL., *supra* note 4, at 3, 17.
- <sup>12</sup> *Key Statistics and Graphics*, *supra* note 2.
- <sup>13</sup> CHRISTIAN A. GREGORY & ALISHA COLEMAN-JENSEN, ECON. RSCH. SERV., ERR-235, FOOD INSECURITY, CHRONIC DISEASE AND HEALTH AMONG WORKING-AGE ADULTS 20 (2017), <https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf>.
- <sup>14</sup> See e.g., *\$160 Billion: The Health Costs of Hunger in the United States*, BREAD FOR THE WORLD INST., <http://hungerreport.org/costofhunger/> [https://perma.cc/5Y9H-52XQ] (last visited Mar. 27, 2022); DONALD S. SHEPARD ET AL., CTR. FOR AM. PROGRESS, HUNGER IN AMERICA: SUFFERING WE ALL PAY FOR 1 (2011), [https://cdn.americanprogress.org/wp-content/uploads/issues/2011/10/pdf/hunger\\_paper.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2011/10/pdf/hunger_paper.pdf).
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- <sup>25</sup> *Food Justice & Racism*, *supra* note 23.
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