

# Issue Brief: Nutrition Policy Landscape in 2022

June 30, 2022



## I. Executive Summary

Federal nutrition programs reduce food insecurity and are critical to the health and well-being of one in four Americans each year, including nearly one in three children under five.<sup>i,ii</sup> These programs are especially important in the wake of the COVID-19 pandemic as hunger has soared and disparities in nutrition security have been exacerbated. The Department of Agriculture (USDA) implemented a variety of flexibilities provided by Congress to address the pandemic, such as providing pandemic electronic benefits transfer (P-EBT) or removing the requirement for in-person eligibility interviews. The reauthorization of the Farm Bill before it expires on September 30, 2023; long overdue Child Nutrition Reauthorization (CNR); and fiscal year (FY) 2023 appropriations process provide Congress with three distinct opportunities to incorporate lessons learned into the Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), the National School Lunch program, and other nutrition programs.

Whether nutrition reform will rise to the top of Congress' legislative to-do list this year remains to be seen. However, we anticipate lawmakers will continue their review of nutrition programs and potential policy changes in preparation for future negotiations. In the meantime, we could see more concrete changes on the regulatory front. The Biden Administration has taken steps to promote nutrition and will hold the second-ever White House Conference on Nutrition, Hunger, and Health in September 2022. This memo provides a state of play of the federal nutrition policy landscape over the next few years.

## II. Background

### A. Overview of Major Federal Programs

The Food and Nutrition Service (FNS) within the Department of Agriculture (USDA) administers nutrition programs with the goal of reducing food insecurity. These include:

- The Supplemental Nutrition Assistance Program (SNAP);
- The Special Supplemental Nutrition Program for Women, Infants, and Children (WIC);
- Child nutrition programs including
  - The National School Lunch Program (NSLP),
  - School Breakfast Program (SBP),
  - Summer Food Service Program (SFSP),
  - The Child and Adult Care Food Program (CACFP), and
  - Special Milk Program (SMP);
- Fresh Fruit and Vegetable Program (FFVP);

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- Commodity Supplemental food Program;
- Food Distribution Program on Indian Reservations; and
- The Emergency Food Assistance Program (TEFAP).

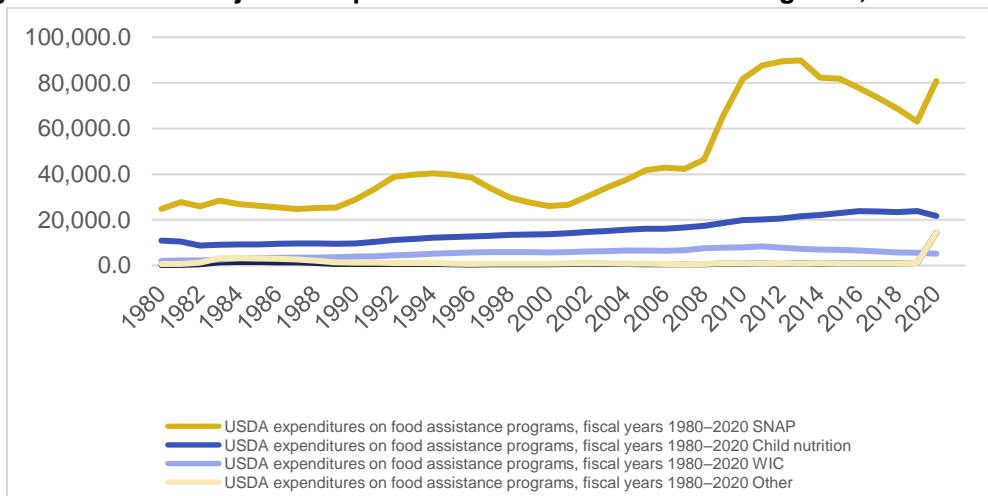
In total, USDA spent a record high of \$122.1 billion on federal nutrition programs in FY 2020 which was a 30 percent increase compared to FY 2019 reflecting the increase in assistance due to the COVID-19 pandemic.<sup>iii</sup> Table 1 provides an overview of the largest programs, including spending and enrollment.

**Table 1: Overview of Large Federal Nutrition Assistance Programs**

Program	SNAP	WIC	NSLP	SBP
<b>Benefit</b>	Provides a monthly dollar amount to purchase food.	Vouchers based on specific food packages for specific categories of beneficiary and counseling.	Provides school lunches for free or a reduced price.	Provides breakfast at schools for free or a reduced price.
<b>Participation</b>	34 million people in FY 2019 <sup>iv</sup>	6.39 million in FY 2019 <sup>v</sup>	21.7 million children received free or reduced-price lunch in FY 2019 <sup>vi</sup>	12.4 million children received free or reduced-price breakfast in FY 2019 <sup>vii</sup>
<b>Expenditure</b>	\$60.4 billion in FY 2019 <sup>viii</sup>	\$5.27 billion in FY 2019 <sup>ix</sup>	\$14.2 billion in FY 2019 <sup>x</sup>	\$4.5 billion in FY 2019

As illustrated in Figure 1, federal spending on nutrition had been declining but increased dramatically in response to the COVID-19 pandemic.

**Figure 1: Inflation-Adjusted Expenditure of Food Assistance Programs, FY 1980-2020**



Data from USDA Economic Research Service<sup>xi</sup>

## **B. Impact of Federal Nutrition Programs**

Federal nutrition programs aim to decrease food insecurity, defined as “the disruption of food intake or eating patterns because of lack of money or other resources.”<sup>xii</sup> They also help address nutrition insecurity which specifically refers to a lack of available and accessible food with appropriate nutritional quality to promote health.<sup>xiii</sup> In 2020, USDA found that more than one in ten households (10.5 percent) were food insecure at least some time in the last year, including 3.9 percent (5.1 million people) who had very low food security (multiple indications of disrupted eating patterns and reduced food intake).<sup>xiv</sup> More than one in three households (35.3 percent) with incomes below the Federal poverty line (\$26,500 for a family of four in 2021) were food insecure, and rates of food insecurity were higher than the national average for single-parent households and for Black and Hispanic households.<sup>xv</sup> USDA also found that parents sacrifice their own food security to provide for their children. In 2020, 14.8 percent of households with children were food insecure but in nearly half of those households only the adults experienced food insecurity.<sup>xvi</sup> Overall, food security had been declining since its peak at 14.9 percent in 2011 but is estimated to have jumped to its highest point in decades at 20 percent of households in 2020.<sup>xvii</sup>

The pandemic created new challenges and significant economic hardship for many families. Federal programs leveraged available authorities and flexibilities to safely operate programs, but USDA needed congressional action to expand eligibility and ease some participation requirements. The pandemic also emphasized the impact of poor nutrition on health. Lack of access to nutritious food is a risk factor for obesity, and obesity is correlated with preexisting conditions such as diabetes and cardiovascular disease that make individuals more susceptible to serious illness or death from COVID-19.<sup>xviii</sup> Importantly, racial and ethnic disparities in food security and obesity were prevalent before the pandemic and likely contributed to the significant disparities in COVID-19 hospitalization and death.<sup>xix</sup>

## **C. Racial Equity**

Nutrition assistance programs also play an important role in reducing disparities in food and nutrition insecurity, health, education, and other outcomes. Before the pandemic, food insecurity was higher among households near or below the federal poverty line, households with children, Black, Latino, and Native American households, and households in large cities or rural areas.<sup>xx</sup> The pandemic increased rates of food insecurity and other measures of food hardship especially in Black and Hispanic households.<sup>xxi</sup> Importantly, food and nutrition security contribute to other health and social disparities. Nutrition-related chronic diseases such as hypertension and diabetes, for example, disproportionately affect Black, Latino, Native American, and Native Hawaiian and Pacific Islander populations.<sup>xxii,xxiii</sup> Food insecurity is also associated with poor health and educational outcomes among children and with higher rates of depression and anxiety among adults.<sup>xxiv,xxv,xxvi</sup> Research suggests that nutrition programs help address these inequities and are associated with improved health outcomes including lower medical costs, lower infant mortality, and improved overall health.<sup>xxvii,xxviii</sup>

## **III. Major Policy Vehicles**

The government funds nutrition programs through three major policy vehicles: Child Nutrition Reauthorization (CNR) and the Farm Bill authorize the majority of the programs, and the annual appropriation process allocates funding. CNR and the Farm Bill cannot be passed through the budget reconciliation process because reconciliation does not allow for program changes not related to spending, therefore they require bipartisan

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support (i.e., 60 votes in the Senate).<sup>xxxix</sup> Budget reconciliation is a policy process that allows Congress to pass legislation with a simple majority and without a filibuster, but the legislation must change federal spending, revenues, and the debt limit.

## Child Nutrition Reauthorization

Child Nutrition Reauthorization refers to the reauthorization of child nutrition programs every five years including the NSLP, SBP, CACFP, SFSP, WIC, and others that are considered together by Congress in a single package of legislation. The most recent CNR was the Healthy, Hunger-Free Kids Act of 2010 (P.L. 11-296) which expired on September 30, 2015.<sup>xxx</sup> Most programs are mandatory and permanently authorized, and therefore have continued to operate through annual appropriations funding. However, CNR provides policymakers an opportunity to update the programs and reauthorize those that are funded through discretionary spending. Several marker bills have been introduced in the 117<sup>th</sup> Congress, indicating that legislators are interested in passing a new CNR bill.<sup>xxxi</sup>

During the 114<sup>th</sup> Congress (2015-2016) at the tail-end of the Obama Administration, the Democratic-controlled House Education and Workforce Committee and the Republican-controlled Senate Agriculture, Nutrition and Forestry Committee marked up CNR bills but did not pass CNR due in large part to political differences.<sup>xxxii</sup> Democrats sought to preserve the higher nutrition requirements implemented from the 2010 CNR while Republicans wanted to reduce the federal government's role in school meals.<sup>xxxiii</sup> Bolstering the Farm to School program<sup>xxxiv</sup>, which was included in the latest appropriations bill and will likely be included in the next CNR, was one of the few policies that both parties agreed on.

Although similar debates may continue to occur and could present a significant obstacle to successful CNR legislation, the COVID-19 pandemic highlighted the importance of child nutrition programs in feeding American families and emphasized the consequences of poor nutrition. Legislators may be more open to passing CNR to update the programs with lessons learned during the pandemic. However, Congress has a busy schedule ahead of the 2022 midterm elections and has already faced difficulty passing legislation including the Build Back Better Act, which includes nutrition reforms such as expanding community eligibility, so whether lawmaker's interest and pressure from advocates will culminate in legislative action remains to be seen.

## Farm Bill

The Farm Bill is a package of legislation that must be reauthorized approximately every five years and primarily impacts agriculture but also includes SNAP, The Emergency Food Assistance Program (TEFAP), the Fresh Fruit and Vegetable Program (FFVP), and the Commodity Supplemental Food Program (CSFP).<sup>xxxv</sup> SNAP is a mandatory entitlement program meaning that for the period of time that it is authorized, it must be funded even if an appropriations bill has not been passed. However, unlike CNR programs that are permanently authorized, Farm Bill authorization expires at the end of FY 2023 and the programs must be reauthorized or they will not be able to be funded which makes the Farm Bill a must-pass piece of legislation. The most recent Farm Bill, the Agriculture Improvement Act of 2018 (P.L. 115-334), was passed by the Trump Administration and will expire on September 30, 2023.<sup>xxxvi</sup> The House Committee on Agriculture held the first in a series of hearings on the development of the next Farm Bill in February 2022 and legislators will continue to develop the legislation throughout the year.<sup>xxxvii</sup> The Farm Bill could include provisions to increase programs that support local agriculture and nutrition like the Farm to School Grant Program and the Gus Schumacher Nutrition Incentive Program, which

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is a grant program to increase the fruit and vegetable purchasing power of SNAP participants. Lawmakers are also discussing eligibility provisions including implementing categorical eligibility, raising the earned income disregard, tapering SNAP benefits, or other demonstration projects.<sup>xxxviii</sup> President Biden's FY 2023 budget request noted that the Administration looks forward to identifying priorities for the 2023 Farm Bill and urges an examination of the barriers to food assistance that currently exist for vulnerable groups including youth who have aged out of foster care, college students, and low-income individuals in the U.S. territories.<sup>xxxix</sup>

## Appropriations Process

Congress also has the opportunity to impact nutrition programs through the yearly appropriations process. For example, the FY 2022 appropriations omnibus package included funding specifically to bolster the Farm to School Program and increased access to fresh fruits and vegetables in WIC. It also provided support for the Centers for Disease Control and Prevention (CDC) with research and education activities to promote healthy eating habits among students.<sup>xl</sup> While the fiscal year ends September 30<sup>th</sup> each year, appropriations legislation is often not passed by that date. Congress frequently utilizes continuing resolutions to fund the government at the same levels until legislation can be agreed upon. Continuing resolutions provide funding at the level of the prior fiscal year for nutrition programs and cannot increase funding to address new challenges or make programmatic changes.

## **IV. Recent Policies and Political Context**

In order to address the impacts of the pandemic and support food security, Congress authorized FNS to provide significant flexibility in the federal nutrition programs. Federal COVID-19 relief laws, including the Families First Coronavirus Response Act (FFCRA) (P.L. 116-127)<sup>xli</sup>, the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136)<sup>xlii</sup>, the Consolidated Appropriations Act of 2021 (CAA) (P.L. 116-260)<sup>xliii</sup>, and the American Rescue Plan Act (ARPA) (P.L. 117-2)<sup>xliv</sup>, increased funding for nutrition programs and allowed FNS to make administrative changes that addressed economic insecurity and allowed the programs to be administered in ways to prevent COVID-19 transmission. For example, the FFCRA authorized FNS to waive requirements for in-person visits and registrations and allow families to pick up meals and take them to-go.<sup>xlv</sup> Due to the FFCRA and CAA, FNS increased financial support through emergency allotments in SNAP and authorized universal free school meals.<sup>xlvi</sup>

More recently, Congress included nutrition support in the FY 2022 omnibus appropriations package. The omnibus included \$27 million for child nutrition programs, \$6 billion for WIC, \$140 billion for SNAP, and \$170 million to administer the programs. Highlights of the legislation are increased access to fresh fruits and vegetables and funding for school kitchen improvements. The omnibus also included \$2.5 million to support a White House Conference on Food, Nutrition, Hunger, and Health in September 2022, signifying legislators' commitment to focusing on nutrition and food security. President Biden's FY 2023 budget request included a 17.1 percent increase in discretionary funding for USDA from the FY 2021 enacted level. The budget request also includes \$6.8 billion for "critical nutrition programs," \$6 billion of which would go to WIC.<sup>xlvii</sup>

The Build Back Better Act (H.R. 5376) that passed the House of Representatives on November 19, 2021 includes provisions to provide children who receive free or reduced-price school meals with summer grocery benefits to reduce higher levels of food hardship during the summer and expand community eligibility so that more schools serving a high proportion of students with low income could provide universal free meals to all children. The bill



would also create a statewide option for states to offer meals at no charge to all children.<sup>xlviii</sup> However, the bill met significant opposition in the Senate and has since stalled. Legislators could try to revisit a pared-down version of the bill or try to incorporate some of the proposals into other legislation.<sup>xlix</sup>

As the failed 2015 CNR process demonstrated, nutrition programs can be the subject of political debate, both about the amount of the benefits and the role of the federal government in regulating nutrition standards. Similar political dynamics have played out across previous administrations. The Obama Administration implemented significantly stricter nutrition standards for federal programs than had previously existed, particularly for school meals. The Trump Administration then rolled back some of these requirements, mostly related to milk, whole grains, and sodium. The Biden Administration has so far tried to balance Obama-era nutrition standards with flexibility intended to support pandemic recovery and is planning the second ever White House Conference on Nutrition, Hunger, and Health in September 2022 with the goal of ending hunger by 2030.<sup>l</sup> Appendix 1 includes a recent history of regulations related to nutrition standards.

## V. SNAP

The SNAP program is the largest federal nutrition program and assisted 36 million people in FY 2019 with a total program cost of about \$60 billion.<sup>li</sup> SNAP, formerly known as food stamps, provides a monthly dollar amount for beneficiaries to use to purchase food. The dollar amount provided is determined by the Thrifty Food Plan which is developed by USDA to estimate the cost of a healthy diet. In August of 2021, USDA conducted a statutorily mandated reevaluation of the Thrifty Food Plan (TFP) for the first time in 45 years to better align with the 2020 *Dietary Guidelines for Americans* which resulted in the first-ever increase in the purchasing power of the SNAP benefit.<sup>lii</sup> The estimated average monthly benefit per person increased from \$121 in FY 2020 to \$175 in FY 2022 (not including the COVID-19 emergency allotment which provided the maximum benefit amount).<sup>liii</sup>

SNAP is a critical source of food security for many Americans and has been important during the COVID-19 pandemic. The FFCRA allowed USDA to provide supplemental benefits in the form of emergency allotments, which were then supported by the CAA and ARPA. The legislation also allowed SNAP to provide pandemic electronic benefits transfer (P-EBT) to replace school meals when schools were closed. Looking ahead, SNAP will need to be reauthorized in the Farm Bill or it cannot be funded which could provide an opportunity to address the policies in the COVID-19 waivers as well as other legislative priorities. Several smaller bills have been proposed that would make changes to the SNAP program and could be passed alone or incorporated into larger legislation. Additionally, the Unified Agenda forecasted several regulatory changes to SNAP program administration in 2022 and 2023. Table 2 provides a summary of anticipated legislation and regulation.

**Table 2: Legislative and Regulatory Outlook for SNAP**

Policy	Description (i.e. what it does)	Relevant Dates	Notes
<b>COVID-19 Waivers</b>			
Pandemic Electronic	Provides benefits to young children in households participating in SNAP whose covered childcare	Guidance allows P-EBT specifically	Legislation would be necessary to

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Benefit Transfer (P-EBT) <sup>iv</sup>	<p>facility is closed, or who live in where schools are closed or have reduced hours.</p> <p>Allows children to receive temporary emergency nutrition benefits loaded on EBT cards for their families to utilize to purchase food.</p> <p>P-EBT benefits are issued retroactively based on school attendance and COVID-19 outbreak info.</p>	for the 2021-2022 school year.	extend or make permanent.
Time Limit for Able-Bodied Adults Without Dependents (ABAWDs) <sup>iv</sup>	Suspended the time limit for ABAWD beneficiaries participating in SNAP. Prior to the pandemic, ABAWDs were limited to no more than 3 months of benefits over a 3-year period if they did not work (unless exempt).	Expires at the end of the month after the month during which the PHE ends.	The Improving Access to Nutrition Act of 2021 would eliminate the work requirement
Online Purchasing Pilot Program <sup>vi</sup>	FNS expanded the Online Purchasing Pilot Program to 47 states to allow beneficiaries to purchase groceries online.	No explicit end date.	The Expanding SNAP Options Act of 2021 would require online purchasing to be available.
<b>Legislation</b>			
Improving Access to Nutrition Act of 2021 (H.R. 1753) <sup>lvii</sup>	Repeals the time limit and work requirements for ABAWDs ages 18 to 49.	Introduced March 10, 2021.	88 cosponsors (all D)
Expanding SNAP Options Act of 2021 (H.R. 1423/ S. 313) <sup>lviii</sup>	Requires all states to implement online SNAP purchasing and provides funding for an online redemption portal and technical assistance center.	Introduced February 26, 2021.	Senate bill has 14 cosponsors (12 D, 2 I) House bill has 2 cosponsors (1 D, 1 R)
SNAP Plus Act of 2021 (H.R. 6338) <sup>lix</sup>	Would allow the purchase of hot and prepared food items with SNAP benefits.	Introduced December 20, 2021.	17 cosponsors (15 D, 2 R)
EATS Act of 2021 (S. 2515/H.R. 1919) <sup>lx</sup>	Extends eligibility to full time students attending an institution of higher education.	Introduced March 16, 2021	Senate bill has 7 cosponsors (6 D, 1 I) House bill has 102 cosponsors (All D)
<b>Regulation</b>			

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SNAP Requirement for Interstate Data Matching <sup>lxi</sup>	Requires the establishment of an interstate data system to prevent multiple issuances of SNAP benefits.	Expected to be released in July 2022	
Reform Provisions for SNAP's Quality Control System <sup>lxii</sup>	Revises regulations to the SNAP Quality Control system.	Expected to be released in 2022 (originally for May).	
Standard Utility Allowances Based on Receipt of Energy Assistance Payments <sup>lxiii</sup>	Establishes that states electing to use a heating or cooling standard utility allowance in the Supplemental Nutrition Assistance Program (SNAP) eligibility determinations must make the allowance available to households that receive a Low-Income Home Energy Assistance Program or other similar program payment greater than \$20 annually.	Expected to be released in February 2023.	

## VI. WIC

WIC provides nutrition education, breastfeeding support, and nutritious food for pregnant and postpartum women and children. WIC participants receive checks or vouchers to purchase specific foods that are approved for different food packages based on different categories of participants. WIC is the third largest nutrition assistance program and served about 6.2 million participants per month in 2020, including almost half of all infants born in the US.<sup>lxiv</sup> Total federal costs for WIC in FY 2020 were \$4.9 billion.<sup>lxv</sup>

FNS also introduced many flexibilities into the WIC program to respond to the pandemic. Some of these flexibilities could be extended or made permanent through legislation. CNR will give Congress the opportunity to introduce any of these changes as well as other policy priorities. The Biden Administration has also teed up several changes to WIC administration and nutrition standards. A summary of upcoming policy actions affecting WIC is included in Table 3.

**Table 3: Legislative and Regulatory Outlook for WIC**

Policy	Description (i.e. what it does)	Relevant Dates	Notes
<b>COVID-19 Flexibilities</b>			
Remote Benefit Issuance Waivers <sup>lxvi</sup>	WIC agencies can issue benefits remotely rather than requiring participants to pick up their WIC benefits in person. This minimizes potential COVID-19 exposure.	The current flexibility ends 90 days after PHE ends	Legislation would be necessary to extend or make permanent.



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Transactions without Presence of Cashier <sup>lxvii</sup>	FNS has partnered with state agencies to find new ways to allow WIC transactions and is waiving the requirement that WIC transactions occur in the presence of a cashier. This flexibility supports social distancing. It allows for grocery pick up without direct contact.	The current flexibility ends 30 days after PHE ends	Legislation would be necessary to extend or make permanent.
<b>Regulation</b>			
Revisions in the WIC Food Packages <sup>lxviii</sup>	Amends regulations governing packages in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to incorporate recommendations from the National Academies of Science, align with 2020 Dietary Guidelines for Americans, and make other clarifications.	Expected to be released in September 2022	
WIC Online Ordering and Transactions <sup>lxix</sup>	Makes changes to address regulatory barriers to online ordering in the WIC Program by modifying vendor regulations and facilitating the transition to electronic benefits transfer (EBT).	Expected to be released in April 2022.	
Food Modernization and Streamlining for Customer Service <sup>lxx</sup>	Proposes the WIC Food Delivery Modernization and Streamlining for Customer Service rule to increase program flexibility and ensure that electronic benefits transfer is considered in WIC regulations.	Expected to be released in November 2022.	

## VII. Child Nutrition Programs

The child nutrition programs are designed to promote access to healthy and sufficient food for children and improve health and education readiness. These programs include the NSLP, SBP, CACFP, SFSP, Farm to School Program, and others. Child nutrition programs can also be important for caregivers’ health because adults in households with children are known to sacrifice their own food security to feed the children. Child nutrition assistance helps to ease this burden and can improve food security for the whole household.<sup>lxxi</sup>

As discussed above, CNR is the major vehicle for policy changes to child nutrition programs. CNR could include a wide range of programmatic changes, but some options that have received the most attention are the community eligibility provision (CEP) and direct certification. CEP allows schools in high-poverty areas to provide meals to all low-income students at no cost based on the school’s percentage of students eligible for free school meals. CEP was heavily utilized during the PHE because it reduces the administrative burden for both schools and families, and stakeholders have urged Congress to adjust the requirements so more schools can participate.<sup>lxxii</sup> Direct certification would ease administrative burden by allowing students who receive Medicaid or Supplemental Security Insurance benefits to be automatically eligible for free school meals.

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Like SNAP and WIC, FNS introduced many waivers for child nutrition programs during the pandemic some of which may be extended or made permanent through legislation. Most notably, the Seamless Summer Option waiver allowed schools to provide meals at no cost to all students without checking eligibility (i.e., universal school meals). The FY 2022 appropriations bill was criticized by Republicans for not including provisions to allow FNS to continue to provide universal school meals, but the Support Kids Not Red Tape Act (S. 3979) would authorize an extension of the waiver. The Keep Kids Fed Act (H.R. 8150)<sup>lxxiii</sup> that was signed into law on June 24, 2022 included a one-year expansion of some administrative flexibilities and a temporary increase in school meal reimbursement to address supply chain issues, but did not extend waiver flexibility that allowed for universal school meals. In addition to legislation, the Biden Administration plans to introduce four regulations for child nutrition programs in 2022 and 2023. Table 4 summarizes potential upcoming legislation and regulation.

**Table 4: Legislative and Regulatory Outlook for Child Nutrition Programs**

Policy	Description (i.e. what it does)	Relevant Dates	Notes
<b>COVID-19 Waivers</b>			
Non-congregate Feeding Waivers <sup>lxxiv</sup>	Allows the child nutrition programs to feed children in non-group settings to minimize COVID-19 exposure.	Flexibilities expire on June 30, 2023 (expired for the Summer Food Service Program on September 30, 2021).	Extended by the Keep Kids Fed Act. Legislation would be necessary to extend or make permanent.
Parent/Guardian Meal Pickup Waivers <sup>lxxv</sup>	Allows parents or guardians to pick up meals for their children without the student present. This gives greater flexibility to families in accessing nutrition.	Flexibilities expire on June 30, 2023.	Extended by the Keep Kids Fed Act. Legislation would be necessary to extend or make permanent.
Area Eligibility Waivers <sup>lxxvi, lxxvii</sup>	Allow states to waive the requirements that meal services be limited to areas with at least half of children in low-income households.	Flexibilities expired September 30, 2021 for most programs, but are available until June 30, 2022 for the Seamless Summer Option.	Legislation would be necessary to extend or make permanent.
Seamless Summer Option (SSO) and	Allowed schools to operate under the Summer Food Service Program (SFSP) or National School Lunch Program Seamless Summer	Flexibilities expire June 30, 2022.	The Support Kids Not Red Tape

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Summer Food Service Program (SFSP) <sup>lxxviii</sup>	Option (SSO). Schools operating under SSO can provide meals to all children free of charge (universal school meals).		Act would temporarily extend flexibilities.
<b>Legislation</b>			
Support Kids not Red Tape Act (S. 3979.) <sup>lxxix</sup>	The Act would extend child nutrition waiver authority to September 30, 2023.	Introduced March 31, 2022.	51 cosponsors (49 D, 2 R)
<b>Regulation</b>			
Implementing Provisions from the Child Nutrition and WIC Reauthorization Act of 2004: Seamless Summer Option <sup>lxxx</sup>	Authorizes a Seamless Summer Option for public or private nonprofit school food authorities to participate in the National School Lunch Program and School Breakfast Program	Expected to be released in October 2022.	
Revisions to Meal Patterns Consistent with the 2020 Dietary Guidelines for Americans <sup>lxxxi</sup>	Revises the Child Nutrition Program meal patterns for meals and snacks to be consistent with the 2020 Dietary Guidelines for Americans.	Expected to be released in January 2023.	
Child Nutrition Program Integrity <sup>lxxxii</sup>	Codifies three provisions of the Healthy, Hunger-Free Kids Act of 2010 including criteria for imposing fines against schools or state agencies that fail to correct severe mismanagement or violations, procedures for the termination and disqualification of organizations participating in the Summer Food Service Program, and requirements that any institution or organization that has been terminated may not be authorized to administer other similar programs.	Expected to be released in May 2023.	
School Food Service Account Revenue Amendments <sup>lxxxiii</sup>	Includes regulations to conform to requirements in the Healthy, Hunger-Free Kids Act of 2010 requiring school food authorities to provide the same level of financial support for lunches served to students who are not eligible for free or reduced-price lunches as is provided for lunches served to students eligible for free lunches and requires that all food sold in a school and purchased with funds from the nonprofit school food service account other	Expected to be released in May 2024.	

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	than meals and supplements must generate revenue at least proportionate to the cost.		
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## VIII. Conclusion

The COVID-19 pandemic highlighted the critical role that federal nutrition programs play in supporting the well-being of Americans and spurred the highest-ever utilization of and spending on nutrition assistance. In the wake of the pandemic, Congress and FNS may consider program updates that incorporate lessons learned as well as the Biden Administration's emphasis on nutrition quality and equity. However, legislative action is necessary to make any significant changes beyond existing authority. These updates could be incorporated into major legislative packages, including CNR and the Farm Bill, and result in potentially significant increases to program enrollment and eligibility. Other themes of regulation and legislation currently under consideration are improving and automating the enrollment and benefit delivery processes and modifying benefits or meals to meet higher nutrition standards.

## X. Appendix

Date	Regulatory Action
Jan. 2012	Obama-era USDA issued a final rule implementing the new nutrition standards which required schools to offer more fruits, vegetables, and whole grains; offer only fat-free or low-fat milk; limit saturated fat and sodium; minimize trans fats; and limit the total calories that can be offered in a meal. <sup>lxxxiv</sup> <b>The standards took effect in school year (SY) 2012-2013 for the NSLP and in SY 2013-2014 for the SBP.</b>
Nov. 2017	Trump-era USDA issued an interim final rule that allowed flavored low-fat milk in school meals, allowed state agencies to grant exemptions to whole grain requirements, and retained Target 1 sodium standards through SY 2018-2019. <b>The standards were effective for SY 2018-2019.</b> <sup>lxxxv</sup>
Dec. 2018	Trump-era USDA issued a final rule allowed meal planning flexibilities for the nutrition requirements for milk, whole grains, and sodium (see Table 2). <b>The final rule went into effect July 1, 2019.</b> <sup>lxxxvi</sup>
Apr. 2020	A US District Court found that the standards in the 2018 final rule were not a “logical outgrowth” of the 2017 interim final rule. The 2018 final rule was vacated, therefore returning requirements immediately to the <b>2012 Obama-era standards for the remainder of SY 2019-2020 and beyond.</b>
Mar. 2020	Trump-era USDA published a series of waivers authorized by the FFCRA that offered significant flexibility in the operation of child nutrition programs to respond to the COVID-19 pandemic, including flexibility in standards for milk, whole grains, and sodium.
Nov. 2020	Trump-era USDA published a proposed rule that would reinstate the flexibilities from the previously vacated 2018 final rule. <sup>lxxxvii</sup>
Aug. 2021	Biden-era USDA implements a new Thrifty Food Plan with an increase in purchasing power for the first time since 1975 to create Market Baskets that are of higher nutrition quality. The plan will be evaluated every 5 years. This rule went into effect <b>October 1, 2021.</b>
Feb. 2022	Biden-era USDA finalized the Trump-era 2020 proposed rule with modifications. <b>These standards will take effect for the SY 2022-2023 and 2023-2024.</b> <sup>lxxxviii</sup>
Oct. 2022	Biden-era USDA plans to issue a proposed rule to “revise Child Nutrition Program meal patterns for meals and snacks served to children, as needed, to be consistent with the 2020 Dietary Guidelines for Americans released in December 2020.” <sup>lxxxix</sup> <b>These standards are intended to take effect for SY 2024-2025 and subsequent school years.</b>

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- i <https://www.fns.usda.gov/programs>
  - ii <https://www.cbpp.org/blog/snap-and-wic-help-young-children-now-and-in-the-future>
  - iii <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=100976>
  - iv <https://fns-prod.azureedge.us/sites/default/files/resource-files/Trends2016-2019-Summary.pdf>
  - v <https://fns-prod.azureedge.us/sites/default/files/resource-files/wisummary-4.pdf>
  - vi <https://www.ers.usda.gov/data-products/charts-of-note/charts-of-note/?topicId=fa54c51c-1d4d-4a60-bc50-114d7f2fd093>
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