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ADDRESSING FOOD INSECURITY IN THE UNITED STATES  
DURING AND AFTER THE COVID-10 PANDEMIC:  
THE ROLE OF THE FEDERAL NUTRITION SAFETY NET  
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# Addressing Food Insecurity in the United States During and After the COVID-19 Pandemic: The Role of the Federal Nutrition Safety Net

Sheila Fleischhacker\* & Sara N. Bleich\*\*

## Abstract

Food insecurity has been a direct and almost immediate consequence of the coronavirus disease 2019 (COVID-19) pandemic and its associated ramifications on unemployment, poverty and food supply disruptions.<sup>1</sup> As a social determinant of health, food insecurity is associated with poor health outcomes including diet-related chronic diseases, which are associated with worst COVID-19 outcomes (e.g., COVID-19 patients of all ages with obesity face higher risk of complications, death).<sup>2</sup> In the United States (US), the federal nutrition safety net is predominantly made up of the suite of 15 federal nutrition assistance programs that the US Department of Agriculture (USDA) administers and the Older American Act Nutrition Program that the US Department of Health and Human Services (HHS) administers (*See* Table 1).<sup>3</sup> Both made significant adaptations to help ensure Americans have safe, secure and healthy foods and beverages during this national emergency. This essay briefly discusses the successes and shortcomings of these adaptations by critical life stages and puts forth recommendations for strengthening the public health impacts of our federal nutrition safety net in the near- and long-term.

## I. Introduction

### A. Food Insecurity Inequalities

According to the USDA Economic Research Service (ERS), low food security means “reports of reduced diet quality, variety, or desirability

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<sup>1</sup> DIANE SCHANZENBACH & ABIGAIL PITTS, INST. FOR POLICY RESEARCH, ESTIMATES OF FOOD INSECURITY DURING THE COVID-19 CRISIS: RESULTS FROM THE COVID IMPACT SURVEY, WEEK 1 (APRIL 20–26, 2020), at 1 (2020), *available* at [https://www.ipr.northwestern.edu/documents/reports/food-insecurity-covid\\_week1\\_report-13-may-2020.pdf](https://www.ipr.northwestern.edu/documents/reports/food-insecurity-covid_week1_report-13-may-2020.pdf).

<sup>2</sup> Anna M. Leddy, Sheri D. Weiser, Kartika Palar & Hilary Seligman, *A Conceptual Model for Understanding the Rapid COVID-19 Related Increase in Food Insecurity and its Impact on Health and Healthcare*, 112 AM. J. CLINICAL NUTRITION 1162, 1162–69 (2020).

<sup>3</sup> Food & Nutrition Serv., *FNS Nutrition Programs*, U.S. DEP’T OF AGRIC., <https://www.fns.usda.gov/programs> (last visited May 1, 2019); *see*, *Nutrition Services*, ADMIN. FOR COMMUNITY LIVING, <https://acl.gov/programs/health-wellness/nutrition-services> (last visited Jan. 16, 2021); *see infra* Table 1.

of diet” while very low food security captures “reports of multiple indications of disrupted eating patterns and reduced food intake.”<sup>4</sup> This is in contrast to the 1996 World Food Summit definition of food security: “when all people, at all times, have physical and economic access to sufficient, safe and nutritious food that meets their dietary needs and food preferences for an active and healthy life.”<sup>5</sup> The ERS estimated 10.5% of US households were food insecure at least some time in 2019, which they noted was down from a peak of 14.9% in 2011.<sup>6</sup> Food insecurity was most often found among households with incomes near or below the Federal Poverty Line, with higher levels among households with children (particularly those headed by single women or single men), women and men living alone, Black- and Hispanic-headed households (Native American households not adequately sampled), and households in principal cities (core city in a metropolitan area) and nonmetropolitan areas.<sup>7</sup> One study analyzing data from 2000 to 2010 found 25 percent of American Indian and Alaska Native adults remained consistently food insecure and were twice as likely to be food insecure compared to whites.<sup>8</sup>

In April 2020 during the initial weeks of the COVID-19 pandemic, “food insecurity doubled overall and tripled among [households] with children.”<sup>9</sup> Indeed, women with children, with the added burden of childcare and virtual learning during childcare and school closures, have been among the ones hit hardest.<sup>10</sup> On May 5, 2021, the US Census Pulse released data from their survey collected April 14, 2021 to April 26, 2021 and found about 8 percent of adults reported not having enough food in their households.<sup>11</sup>

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<sup>4</sup> Econ. Research Serv., *Definitions of Food Security*, U.S. DEP’T OF AGRIC., <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security/> (last visited Jan. 16, 2021).

<sup>5</sup> Food & Agric. Org. of the United Nations [FAO], *Policy Brief: Food Security*, at 1 (June 2006), [http://www.fao.org/fileadmin/templates/faoitally/documents/pdf/pdf\\_Food\\_Security\\_Coecept\\_Note.pdf](http://www.fao.org/fileadmin/templates/faoitally/documents/pdf/pdf_Food_Security_Coecept_Note.pdf).

<sup>6</sup> ALISHA COLEMAN-JENSEN, MATTHEW P. RABBIT, CHRISTIAN A. GREGORY & ANITA SINGH, ECON. RESEARCH SERV., U.S. DEP’T OF AGRIC., ECON. RESEARCH REPORT NO. 275, HOUSEHOLD FOOD SECURITY IN THE UNITED STATES IN 2019, at 8 (2020), available at <https://www.ers.usda.gov/webdocs/publications/99282/err-275.pdf?v=2954>.

<sup>7</sup> *Id.* at 15.

<sup>8</sup> Valerie Blue Bird Jernigan, Kimberly R. Huyser, Jimmy Valdes & Vanessa Watts Simonds, *Food Insecurity among American Indians and Alaska Natives: A National Profile using the Current Population Survey-Food Security Supplement*, 12 J. HUNGER & ENVTL. NUTRITION, 1, 1 – 10 (2016).

<sup>9</sup> SCHANZENBACH & PITTS, *supra* note 1, at 2.

<sup>10</sup> Michael Madowitz & Diana Boesch, *The Shambolic Response to the Public Health and Economic Crisis Has Women on the Brink as the Job Recovery Stalls*, CTR. FOR AM. PROGRESS (Oct. 22, 2020, 9:07 AM), <https://www.americanprogress.org/issues/economy/reports/2020/10/22/492179/shambolic-response-public-health-economic-crisis-women-brink-job-recovery-stalls/>.

<sup>11</sup> *Week 28 Household Pulse Survey: April 14-April 26*, U.S. CENSUS BUREAU (May 5, 2021), <https://www.census.gov/data/tables/2021/demo/hhp/hhp28.html>.

Black and Latino adults were more likely to report food insufficiency than white adults.<sup>12</sup> Households with children were 63 percent more likely to report food insufficiency.<sup>13</sup> Likewise, a 2020 nationally representative study reported “Black households were more likely to report that they could not afford to buy more foods; Asian and Hispanic households were more likely to be afraid to go out to buy food...and racial/ethnic minorities were significantly less confident about their household food security for the next 4 weeks than whites.”<sup>14</sup> A Food Research and Action Center (FRAC) September 2020 report based on data during the early stages of the COVID-19 pandemic also found unprecedented levels of food insecurity across life stages but noted households with children were “more likely to not have enough to eat.”<sup>15</sup>

### *B. Federal Nutrition Assistance COVID-19 Adaptations*

Congress authorized and appropriated a variety of COVID-19 relief responses thus far to address food insecurity.<sup>16</sup> Table 1 highlights key COVID-19 adaptations by key programs that make up the federal nutrition safety net. Utilizing these Congressional authorization and appropriations, among others, the USDA Food and Nutrition Service (FNS) has been working with state, tribal, territorial, and local partners to distribute funds, foods and flexibilities (more than 4,000 to date).<sup>17</sup>

## **II. Successes & Shortcomings by Critical Life Stages**

Even though the nation is still suffering from food insecurity, evidence indicates lower levels of food insecurity in spring 2021 compared to early stages of the pandemic in spring 2020.<sup>18</sup> This reduction is likely a

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<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Danielle Xiaodan Morales, Stephanie Alexandra Morales & Tyler Fox Beltran, *Racial/Ethnic Disparities in Household Food Insecurity During the COVID-19 Pandemic: A National Representative Study*, J. RACIAL & ETHNIC HEALTH DISPARITIES, 1, 1–15 (2020).

<sup>15</sup> FOOD RESEARCH & ACTION CTR., *Not Enough to Eat: COVID-19 Deepens America's Hunger Crisis* (September 2020), <https://frac.org/research/resource-library/not-enough-to-eat-communications-toolkit#:~:text=Not%20Enough%20to%20Eat%3A%20COVID,not%20for%20federal%20nutrition%20programs>.

<sup>16</sup> Caroline G. Dunn, Erica Kenney, Sheila E. Fleischhacker & Sara N. Bleich, *Feeding Low-Income Children during the Covid-19 Pandemic*, 382 NEW ENG. J. MED. e40(1), e40(1)-e40(3) (2020), <https://www.nejm.org/doi/full/10.1056/NEJMp2005638>; see *infra* Table 2.

<sup>17</sup> Food & Nutrition Serv., *FNS Responds to COVID-19*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/coronavirus> (last visited Jan. 11, 2021).

<sup>18</sup> United States Census Bureau, Household Pulse Survey Data Tables, Phase 31. Household Pulse Survey Data Tables, May 19, 2021, <https://www.census.gov/programs->

sign that collectively our nation's federal nutrition assistance COVID-19 adaptations, among other COVID-19 reliefs (e.g., expansions to unemployment insurance and one-time payments of \$1,200 per adult and \$500 per dependent), are helping.<sup>19</sup> Nevertheless, food insecurity remains high indicating these federal nutrition assistance adaptations should be extended and/or expanded in combination with other social safety net supports such as income, housing, transportation, childcare, and workforce development supports.<sup>20</sup> By critical life stage, the following summarizes key successes and shortcomings of the COVID-19 relief response adaptations of the federal nutrition assistance programs.

### A. Across Various Life Stages

As described in Table 1 and in a recent report<sup>21</sup>, the USDA Supplemental Nutrition Assistance Program (SNAP) is the cornerstone of our nation's nutrition safety net and helps eligible individuals across various life stages and families with supplemental benefits to purchase foods and beverages at SNAP authorized food retailers.<sup>22</sup> The Congressional authorized and appropriated emergency allotments for all SNAP households up to the maximum benefit were immediate and impactful approaches to help SNAP participants.<sup>23</sup> But, many SNAP households already receive the maximum benefit and states varied in their implementation of SNAP COVID-19 emergency allotments.<sup>24</sup> In response to President Biden's Executive Order on Economic Relief Related to the COVID-19 Pandemic, the USDA recognized how the poorest households received little to no emergency benefit increases and responded in April 2021 by providing one billion dollars per month in

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surveys/household-pulse-survey/data.html; see Marianne Bitler, Hilary Hoynes, & Diane Whitmore Schanzenbach. *The Social Safety Net in the Wake of COVID-19* (Nw. Inst. for Policy Research Working Paper Series WP-20-43) (September 2020), <https://www.ipr.northwestern.edu/our-work/working-papers/2020/wp-20-43.html>.

<sup>19</sup> Bitler et al., *supra* note 17 at 7 – 17.

<sup>20</sup> *Id.* at 17 – 18.

<sup>21</sup> Sara N. Bleich, Katie Sullivan, Emily Broad Leib, Caroline G. Dunn, Catherine E. Woteki, Amy L. Yarosh & Sheila Fleischhacker, *Strengthening the Public Health Impacts of SNAP Via the Farm Bill*, HEALTHY EATING RESEARCH (July 2021), <https://healthyeatingresearch.org/research/strengthening-the-public-health-impacts-of-snap-key-opportunities-for-the-next-farm-bill/>.

<sup>22</sup> Food & Nutrition Serv., *Supplemental Nutrition Assistance Program (SNAP) Nutrition Assistance*, U.S. DEP'T OF AGRIC., <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> (last visited May 26, 2021).

<sup>23</sup> Caroline G. Dunn et al, *supra* note 15, at e40(2).

<sup>24</sup> *SNAP COVID-19 Emergency Allotments Guidance*, U.S. DEP'T AGRIC., <https://www.fns.usda.gov/snap/covid-19-emergency-allotments-guidance> (last visited May 26, 2021).

additional food assistance to an estimated 25 million people living in very low-income households that are participating in SNAP.<sup>25</sup>

While Congress delayed increasing SNAP benefit adequacy during the initial stages of the COVID-19 pandemic, ultimately through the Consolidated Appropriations Act (P.L. 116-260) and the American Rescue Plan (P.L. 117-2), SNAP benefits were increased by 15 percent for nine months starting in January 2021.<sup>26</sup> Increasing SNAP benefit adequacy earlier in the course of the pandemic would have likely been more effective and efficient at helping alleviate economic hardships and food insecurity across the country, especially with escalating food prices due to pandemic-related food system disruptions.<sup>27</sup> Scheduled to end September 30, 2021, this short and temporary SNAP benefit increase will likely be inadequate to fully address food insecurity and help stabilize the economy given Congress (P.L. 111-5) temporarily boosted SNAP benefits by 14 percent for about four years during the Great Recession (2008 to 2013).<sup>28</sup> That four-year boost was associated with increased food expenditures, mitigated declines in calorie intake, improved food insecurity, and reduced Medicaid cost growth, especially for people with chronic illnesses with high sensitivity to food insecurity.<sup>29</sup> The USDA is also exploring how to improve SNAP benefits by evaluating the Thrifty Food Plan, the basis of determining SNAP benefits.<sup>30</sup> In July 2020, the USDA released its June 2020 Cost of Food Report and announced a 5 percent increase in the cost of the Thrifty Food Plan, from the previous year, which would begin in October 2020.<sup>31</sup> On January 22, 2021,

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<sup>25</sup> USDA Increases Emergency SNAP Benefits for 25 million Americans; Ensures COVID-19 Relief Reaches Those Struggling the Most, U.S. DEP'T AGRIC., (April 1, 2021), <https://www.usda.gov/media/press-releases/2021/04/01/usda-increases-emergency-snap-benefits-25-million-americans-ensures>.

<sup>26</sup> Consolidated Appropriations Act, Pub. L. No. 116-260, div. N, tit. VII, § 702(a) (2020); RANDY ALISON AUSSENBERG & KARA CLIFFORD BILLINGS, CONG. RESEARCH SERV., R46681, USDA NUTRITION ASSISTANCE PROGRAMS: RESPONSE TO THE COVID-19 PANDEMIC 6 (2021), <https://crsreports.congress.gov/product/pdf/R/R46681>.

<sup>27</sup> SARA BLEICH, CAROLINE DUNN & SHEILA FLEISCHHACKER, HEALTHY EATING RESEARCH, THE IMPACT OF INCREASING SNAP BENEFITS ON STABILIZING THE ECONOMY, REDUCING POVERTY AND FOOD INSECURITY AMID COVID-19 PANDEMIC 4 (2020), *available at* <https://healthyeatingresearch.org/wp-content/uploads/2020/04/HER-SNAP-Brief-042220.pdf>.

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*, Mark Nord & Mark Prell, Econ. Research Serv., U.S. Dep't of Agric., Econ. Research Report No. 116, Food Security Improved Following the 2009 ARRA Increase in SNAP Benefits, at 8 (Apr. 2011), *available at* <https://www.ers.usda.gov/publications/pub-details/?pubid=44839>.

<sup>30</sup> *SNAP and Thrifty Food Plans: Catholic Charities New York Speaks to USDA on Behalf of the People*, CATHOLIC CHARITIES OF THE ARCHDIOCESE OF N.Y., (May 17, 2021), <https://catholiccharitiesny.org/news/snap-and-thrifty-food-plans-catholic-charities-new-york-speaks-usda-behalf-people>.

<sup>31</sup> *SNAP Benefits to Increase in Fiscal Year 2021: USDA Releases New Cost of Food Report*, U.S. DEP'T AGRIC., (July 29, 2020), <https://www.fns.usda.gov/news-item/fns-001020>.

President Biden issued an Executive Order asking the USDA to consider how it can revise the Thrifty Food Plan to better reflect the cost of a modern healthy diet.<sup>32</sup>

Besides SNAP benefit adequacy, the USDA FNS launched the expansion of the SNAP Online Purchasing Pilot during the COVID-19 pandemic to help with mitigating disease transmission through grocery store shopping.<sup>33</sup> Within weeks, 47 States and the District of Columbia were offering an online option, but this expansion was generally limited in the number of stores participating and the number of participants engaging in this option.<sup>34</sup> Congress (P.L.117-2) appropriated funding towards expanding online SNAP access. There are also a variety of additional opportunities in the next Farm Bill or other legislative and executive levers to strengthen the public health impacts of SNAP.<sup>35</sup> One emerging opportunity is more intentional and innovative approaches to advance equity within SNAP access and adequacy, which may be accelerated by President Biden's Executive Order that asks each federal department and agency, including USDA, to assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups.<sup>36</sup>

In addition to SNAP, The Emergency Food Assistance Program (TEFAP) has played a critical role in increasing foods and beverages available for distribution to food banks, nonprofits, or restaurants and, in doing so, providing vital supports to farmers by purchasing their products.<sup>37</sup> Future research could help better assess how best to maximize food supports across TEFAP, SNAP, Child Nutrition programs, among others, at the

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<sup>32</sup> *Fact Sheet: President Biden's New Executive Actions Deliver Economic Relief for American Families and Businesses Amid the COVID-19 Crises*, WHITE HOUSE (January 22, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/22/fact-sheet-president-bidens-new-executive-actions-deliver-economic-relief-for-american-families-and-businesses-amid-the-covid-19-crises/>.

<sup>33</sup> *FNS Launches the Online Purchasing Pilot*, U.S. Dep't of Agric., <https://www.fns.usda.gov/snap/online-purchasing-pilot> (last visited Jan. 13, 2021); see *infra* Table 2.

<sup>34</sup> *Id.*

<sup>35</sup> Bleich et al., *supra* note 20.

<sup>36</sup> *Executive Order On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, WHITE HOUSE (January 20, 2021), <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>.

<sup>37</sup> *The Emergency Food Assistance Program*, U.S. Dep't of Agric., <https://www.fns.gov/tefap/emergency-food-assistance-program> (last visited May 26, 2021); see *COVID-19 and TEFAP*, HOUSE AGRIC., COMM., <https://agriculture.house.gov/covid19/covidtefap.htm> (last visited June 6, 2021).



federal, tribal, territorial, state, and local levels, to ensure a complementary and coordinated nutrition safety net.

Another USDA FNS program to address food insecurity, called Meals to You, is a smaller but emerging model for food distribution that leverages a public-private partnership established with Baylor University Collaborative on Hunger and Poverty, McLane Global, and PepsiCo and has distributed nearly 40 million meals to rural children across America during the first 6 months of the COVID-19 pandemic.<sup>38</sup> More work remains to understand the impact and scalability of this model. In addition to FNS, the USDA's Agricultural Marketing Service (AMS) partnered with various food distributors through May 31, 2021 to purchase more than \$6 billion in fresh produce, dairy and meat products and has delivered 170,953,217 boxes.<sup>39</sup> Known as the USDA Farmers to Families Food Box Program, the USDA established this temporary program using COVID-19 relief discretionary funding.<sup>40</sup> This program was replaced with fresh produce boxes to be delivered as part of TEFAP through September 2021.<sup>41</sup>

Across all life stages, there has been limited, dedicated research or evaluation authorized or appropriated as part of the COVID-19 legislative responses thus far to identify how best to address food insecurity during and beyond the COVID-19 pandemic; selected examples include US Census Pulse Survey monitoring food insufficiency rates and the \$75 million emergency funding for the USDA administered Gus Schumacher Nutrition Incentive Program, among others.<sup>42</sup> These types of research and evaluation investments would enable the necessary support for more rigorous, real-time evaluation of what's working and what's not. This knowledge is critical to

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<sup>38</sup> Jeremy K. Everett, *How a Baylor Pilot Study on Rural Hunger Distributed 40M Meals Across the Country This Year*, DALL. MORNING NEWS (Dec. 13, 2020, 1:30 AM), <https://www.dallasnews.com/opinion/commentary/2020/12/13/how-a-baylor-pilot-study-on-rural-hunger-distributed-40m-meals-across-the-country-this-year/>; see *USDA Meals to You Partnership Delivers Nearly 30 Million Meals*, U.S. DEP'T AGRIC. (July 16, 2020), <https://www.usda.gov/media/press-releases/2020/07/16/usda-meals-you-partnership-delivers-nearly-30-million-meals> [hereinafter *USDA Meals to You*].

<sup>39</sup> *USDA Farmers to Families Food Box*, U.S. DEP'T OF AGRIC., <https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box> (last updated Apr. 30, 2021).

<sup>40</sup> *Id.*, *Special Counsel: Perdue violated Hatch Act at Farmers to Families food box event*, THE FENCE POST (Oct. 9, 2020), <https://www.thefencepost.com/news/special-counsel-perdue-violated-hatch-act-at-farmers-to-families-food-box-event/>.

<sup>41</sup> Katie Lobosco, *Biden administration winds down Trump's pandemic food box, program*, CNN (May 12, 2021), <https://www.cnn.com/2021/05/12/politics/usda-farmers-to-families-food-box/index.html>.

<sup>42</sup> United States Census Bureau, *Measuring Household Experiences during the Coronavirus Pandemic, Household Pulse Survey – Phase 3.1 (Starting April 14, 2021)*, May 5, 2021, <https://www.census.gov/data/experimental-data-products/household-pulse-survey.html>; and Produce Blue Book Services, *What's in the Congressional Covid relief package for agriculture*, December 22, 2020, <https://www.producebluebook.com/2020/12/22/whats-in-the-congressional-covid-relief-package-for-agriculture/>.

better understand which waivers should be extended, expanded, or become permanent. A particular focus on implementation science could help potentially identify in real time how best to advance equity in intervening food security strategies and help prevent and treat the often co-existence of diet-related chronic diseases and health disparities.<sup>43</sup> One nutrition and obesity policy research-oriented working group formed during the COVID-19 pandemic supported mainly by non-government organizations and the Centers for Disease Control and Prevention (CDC) discussed the utility of timely dissemination and implementation science research to help address child food insecurity and the role of the federal nutrition assistance programs during the initial stages of the COVID-19 pandemic.<sup>44</sup> These types of investments, particularly in community-based participatory research, can ensure direct engagement with individuals experiencing food insecurity that offers useful insights to inform efforts by government, non-government organizations, and the private sector.

Due to limited COVID-19 dedicated research and evaluation towards addressing food security and the halting of our national monitoring and surveillance during the COVID-19 pandemic, we know very little about what children or adults are eating during the pandemic and what impact COVID-19 related eating and activity changes have had on their weight and health status. One study that analyzed patient visits within clinics in Philadelphia, Pennsylvania found “obesity prevalence increased from 13.7% (June to December 2019) to 15.4% (June to December 2020)” and “this increase was more pronounced among patients aged 5 to 9 years old and those were Hispanic, non-Hispanic Black, publicly insured, or lower income.”<sup>45</sup> This is problematic because evidence indicates how unstructured days can accelerate weight gain, particularly among children and adolescents already at risk for overweight and obesity and facing the “double whammy” of food insecurity and obesity.<sup>46</sup> It’s also unclear if and how the Trump administration’s Public Charge Rule, which aimed to deny a path to citizenship for participation in certain safety net programs including for the first time SNAP, impacted

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<sup>43</sup> Karla I. Galaviz, Jessica Y. Breland, Mechelle Sanders, Khadijah Breathett, Alison Cerezo, Oscar Gil, John M. Hollier, Cassondra Marshall, J. Deanna Wilson & Utibe R. Essien, *Implementation Science to Address Health Disparities During the Coronavirus Pandemic*, 4 HEALTH EQUITY 1 (2020).

<sup>44</sup> Hannah Lane, Lindsey Turner, Caroline Dunn, Erin Hager & Sheila Fleischhacker, *Leveraging Implementation Science in the Public Health Response to COVID-19: Child Food Insecurity and Federal Nutrition Assistance Programs*, 135 PUB. HEALTH REP., 728, 728–736.

<sup>45</sup> Brian P. Jenssen, Mary Kate Kelly, Maura Powell, Zoe Bouchelle, Stephanie L. Mayne and Alexander G. Fiks, COVID-19 and Changes in Child Obesity, 147 PEDIATRICS e2021050013, <https://pediatrics.aappublications.org/content/147/5/e2021050013>.

<sup>46</sup> Andrew G. Rundle, Yoosun Park, Julie B. Herbstman, Eliza W. Kinsey & Y. Claire Wang, *COVID-19-Related School Closings and Risk of Weight Gain Among Children*, 28 OBESITY 1008, 1008–09 (2020); June M. Tester, Lisa G. Rosas & Cindy W. Leung, *Food Insecurity and Pediatric Obesity: A Double Whammy in the Era of COVID-19*, 9 CURRENT OBESITY REPORTS 444, 442–450 (2020); Leddy et al., *supra* note 2, at 1163–1165.

participation across the federal nutrition safety net.<sup>47</sup> The Biden administration rescinded the stricter Public Charge Rule promulgated by the Trump administration; however, a lingering chilling effect will likely persist.<sup>48</sup> Moreover, evidence indicates food bank usage by immigrant families was high during the COVID-19 pandemic.<sup>49</sup> Without question, more work remains to ensure we understand what is working and what is not in addressing food insecurity during and after the COVID-19 pandemic and that we identify best practices for addressing food security during future pandemics or other natural disasters. To address food security, we also need to better encourage and incentivize more cross-sector and multidisciplinary research, policy, and practice. One key example is the expansion of the Child Tax Credit through the American Rescue Plan (P.L. 117-2), among other revisions to the Child Tax Credit. While the Child Tax Credit is not a direct policy approach to address food insecurity, evidence indicates these changes should help reduce child poverty.<sup>50</sup>

### B. *The First 1,000 Days*

WIC administrative agencies, clinics and staff have made tremendous COVID-19 adaptations to serve women who are pregnant and/or lactating and children up to five years old at nutrition risk.<sup>51</sup> More work remains to increase access to online WIC and curbside delivery, particularly during the COVID-19 pandemic to help reduce disease mitigation among vulnerable populations.<sup>52</sup> The recent Congressional requirement for USDA to establish a task force on food delivery models in WIC will hopefully help

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<sup>47</sup> JENNIFER M. HALEY, GENEVIEVE M. KENNEY, HAMUTAL BERNSTEIN & DULCE GONZALEZ, URBAN INST., ONE IN FIVE ADULTS IN IMMIGRANT FAMILIES WITH CHILDREN REPORTED CHILLING EFFECTS ON PUBLIC BENEFIT RECEIPT IN 2019 (2020), [https://www.urban.org/sites/default/files/publication/102406/one-in-five-adults-in-immigrant-families-with-children-reported-chilling-effects-on-public-benefit-receipt-in-2019\\_1.pdf](https://www.urban.org/sites/default/files/publication/102406/one-in-five-adults-in-immigrant-families-with-children-reported-chilling-effects-on-public-benefit-receipt-in-2019_1.pdf).

<sup>48</sup> John Kruzel, *Biden Rescinds Trump's 'Public Charge' Rule*, THE HILL (Mar. 11, 2021, 7:25 PM), <https://thehill.com/regulation/court-battles/542860-biden-rescinds-trumps-public-charge-rule>; *Featured Issue: Public Charge Changes at USCIS, DOJ, and DOS*, AM. IMMIGR. LAW. ASS'N (Apr. 26, 2021), <https://www.aila.org/advo-media/issues/all/public-charge-changes-at-uscis-doj-and-dos>; see *Public Charge and Immigration Resources*, NAT'L WIC ASS'N, <https://www.nwica.org/immigration-resources> (last visited Jan. 13, 2021).

<sup>49</sup> Feven Merid, "*Stealth*" Food Banks Serve the Undocumented, THE COUNTER (July 21, 2020, 12:17 PM), <https://thecounter.org/stealth-food-banks-undocumented-immigrants-coronavirus-covid-19/>.

<sup>50</sup> Bitler, *supra* note 18.

<sup>51</sup> See *WIC: COVID-19 Waivers by State*, U.S. DEP'T AGRIC., <https://www.fns.usda.gov/disaster/pandemic/covid-19/wic-waivers-flexibilities> (last visited Jan. 13, 2021) (offering a list of Covid-19 WIC waivers issued by each state).

<sup>52</sup> Harry Zhang, Grant Awardee: *Online Ordering and Curbside Pick-up for WIC Participants During the COVID-19 Pandemic*, HEALTHY EATING RES., <https://healthyeatingresearch.org/research/online-ordering-and-curbside-pick-up-for-wic-participants-during-the-covid-19-pandemic/> (last visited Jan. 13, 2021).

accelerate progress in this area.<sup>53</sup> A new, temporary increase in the WIC Fruit and Vegetable Cash Value Voucher (CVV) should help encourage the purchase and consumption of these foods among high risk populations.<sup>54</sup> Further work is needed to ensure the safe reopening of WIC clinics across the country.<sup>55</sup> American Rescue Plan (P.L. 117-2) investments, among others, could also help identify short- and long-term opportunities for better integrating telehealth options, which were something WIC participants and practitioners were wanting pre-pandemic and could help encourage WIC participation and retention.<sup>56</sup> WIC, among other key stakeholders, must work to better address the dangerous uptick of homemade infant formula use during the COVID-19 pandemic, and which historically has been shown to increase during natural disasters and economic downturns.<sup>57</sup> Furthermore, more work remains to better integrate WIC with other social safety net programs like SNAP, Medicaid, and housing at the federal, tribal, territorial, state, and local levels. And during this pandemic and beyond, more work remains to lift up WIC's current role and additional potential in tackling racial disparities in maternal and infant mortality.<sup>58</sup>

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<sup>53</sup> Consolidated Appropriations Act, H.R. 113, 116th Cong. § 723 (2021) (enacted); Food & Nutrition Serv., *WIC Task Force on Supplemental Foods Delivery*, U.S. DEP'T AGRIC., [https://www.fns.usda.gov/wic/task-force-supplemental-foods-delivery#:~:text=The%20Consolidated%20Appropriations%20Act%2C%202021,participants%20in%20the%20WIC%20program.\(last%20visited%20May%209,%202021\).](https://www.fns.usda.gov/wic/task-force-supplemental-foods-delivery#:~:text=The%20Consolidated%20Appropriations%20Act%2C%202021,participants%20in%20the%20WIC%20program.(last%20visited%20May%209,%202021).)

<sup>54</sup> See SARAH WIDOR, FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., WIC POLICY MEMORANDUM NO. 2021-3, STATE AGENCY OPTION TO TEMPORARILY INCREASE THE CASH-VALUE VOUCHER/BENEFIT FOR FRUIT AND VEGETABLE PURCHASES (2021), <https://www.fns.usda.gov/wic/policy-memorandum-2021-3>.

<sup>55</sup> *Reopening WIC: Additional Steps Need to Be Taken to Address Clinic Concerns*, NAT'L WIC ASS'N (June 22, 2020), <https://www.nwica.org/blog/usda-reopening-during-covid-additional-steps-need-to-be-taken-to-address-wic-clinic-concerns#.YJiRl-9KjGJ>.

<sup>56</sup> Sara Bleich, Caroline Dunn, Erica Kenney & Sheila Fleischhacker, *Strengthening WIC's Impact During and After the COVID-19 Pandemic*, HEALTHY EATING RES., (July 2020), <https://healthyeatingresearch.org/research/strengthening-wics-impact-during-and-after-the-covid-19-pandemic/>.

<sup>57</sup> See Farryl Bertmann, Caroline Glagola Dunn, Elizabeth F. Racine & Sheila Fleischhacker, *The Risk of Homemade Infant Formulas: Historical and Contemporary Considerations*, J. Acad. Nutrition & Dietetics (2021).

<sup>58</sup> See *Biden-Harris Administration's Actions to Reduce Food Insecurity Amid the COVID-19 Crisis*, U.S. DEP'T AGRIC., <https://www.usda.gov/media/press-releases/2021/03/03/biden-harris-administrations-actions-reduce-food-insecurity-amid> (last visited May 9, 2021); see Emily E. Petersen, Nicole L. Davis, David Goodman, Shanna Cox, Carla Syverson, Kristi Seed, Carrie Shapiro-Mendoza, William M. Callaghan & Wanda Barfield, *Racial/Ethnic Disparities in Pregnancy-Related Deaths – United States, 2007-2016*, 68 MORBIDITY & MORTALITY WKLY. REP. 762, 762–65 (2019), <https://www.cdc.gov/mmwr/volumes/68/wr/mm6835a3.htm>; Intisar Khanani, Jon Elam, Rick Hearn, Camille Jones & Noble Maseru, *The Impact of Prenatal WIC Participation on Infant Mortality and Racial Disparities*, 100 (Suppl 1) AM. J. PUB. HEALTH, S204, S204-S209; Betty Bekemeier, David Grembowski, Young Ran Yang and Jerald R. Herting, *Local Public Health Delivery of Maternal Child Health Services: Are Specific Activities Associated*

### C. Children and Adolescents

One study estimated approximately 169.6 million school meals would be missed on average each week across the nation during COVID-19 related school closures.<sup>59</sup> A FRAC report indicated the USDA Child and Adult Care Food Program (CACFP) “served 480 million fewer meals, a 41 percent decrease, compared to the same months in 2019.”<sup>60</sup> To rapidly meet student and the broader community needs during the pandemic, school districts and childcare centers, among other community sites, have been making significant investments and tremendous innovations to mitigate disease transmission while providing meals-to-go.<sup>61</sup> In fact, over half of the jurisdictions (i.e., state, territorial, District of Columbia, and Bureau of Indian Affairs) administering USDA child nutrition programs “gave their local school foodservice operators less than 72 hours of notice between the [school closure] announcement” and when ideally alternative meal distribution were to begin.<sup>62</sup> The added expenses of these rapid responses are occurring against a backdrop of lost revenue from a traditional school year food service operational budget and have left school food operations in poor financial health.<sup>63</sup> Using USDA data, the School Nutrition Association estimated that schools served 1.7 billion fewer meals which equated to a \$2.1 billion dollar loss in federal reimbursement for their school meal programs.<sup>64</sup> The School Nutrition Association acknowledged Congress provided some emergency funding for school meals in the December 2020 pandemic relief package but these funds only cover losses incurred between mid-March 2020 through

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*with Reductions in Black-White Mortality Disparities?*, 16 MATERNAL & CHILD HEALTH J., 618, 615–623 (Apr. 2012).

<sup>59</sup> Eliza W. Kinsey, Amelie A. Hecht, Caroline Glagola Dunn, Ronli Levi, Margaret A. Read, Courtney Smith, Pamela Niesen, Hilary Seligman & Erin R. Hager, *School Closures During COVID-19: Opportunities for Innovation in Meal Service*, 110 AM. J. PUB. HEALTH 1635, 1635 (2020).

<sup>60</sup> *CACFP During COVID-19: A Key Support for Families Despite Losses Due to the Pandemic*, FOOD RES. & ACTION CTR., (March 2021),

<https://frac.org/research/resource-library/cacfpprogrambriefmarch2021>.

<sup>61</sup> See Kinsey et al., *supra* note 2, at 1637; see ELIZABETH CAMPBELL ET AL., ACAD. OF NUTRITION AND DIETETICS & CTR. FOR ECOLITERACY, COVID-19 SCHOOL REOPENING: SUPPORTING SCHOOL MEALS AND STUDENTS’ HEALTH IN SCHOOL YEAR 2020-2021 (2020), [https://www.eatrightpro.org/-/media/eatrightpro-files/advocacy/legislation/schoolreopeningbrief\\_final.pdf?la=en&hash=2E6071694592B5454C7358E3DCE83626F2049C30](https://www.eatrightpro.org/-/media/eatrightpro-files/advocacy/legislation/schoolreopeningbrief_final.pdf?la=en&hash=2E6071694592B5454C7358E3DCE83626F2049C30).

<sup>62</sup> Gabriella M. McLoughlin et al., *Feeding Students During COVID-19 Related School Closures: A Nationwide Assessment of Initial Responses*, 52 J. NUTRITION EDUC. & BEHAV. 1120, 1123 (2020).

<sup>63</sup> CAMPBELL ET AL., *supra* note 20.

<sup>64</sup> *New USDA Data: Fewer Meals Served, \$2B Loss for School Meal Programs*, SCHOOL NUTRITION ASSOC. (March 17, 2021), <https://schoolnutrition.org/news-publications/press-releases/2021/new-usda-data-fewer-meals-served-2B-loss-for-school-meal-programs/>.

June 2020.<sup>65</sup> Childcare centers are also struggling and most did not have the capacity to distribute meals during the early stages of the pandemic.<sup>66</sup>

There was and is room for improvement on communication and outreach about school and childcare meals, particularly from and between the USDA, administering agencies at the state, tribal, and territorial levels, school districts, schools, school food service personnel, childcare centers, community food sites, families, and students.<sup>67</sup> This includes better communications of how meals-to-go optimally intersect with Pandemic Electronic Benefits Transfer (P-EBT), a new program to be described next. Additionally, there are concerns about how the pandemic universal school meals (not requiring the free and reduced price applications often used to determine Title I funding) might impact Title I funding for participating schools.<sup>68</sup> Currently, the USDA has extended COVID-19 related waivers that permit universal school free meals through school year 2022-2022.<sup>69</sup> This is promising but only guarantees universal school free meals for a limited time.<sup>70</sup> Evidence indicates universal school meals have positive associations with diet quality, food security and academic performance.<sup>71</sup> The proposed American Families Plan moves toward universal free meals by expanding Community Eligibility Provision (CEP), which allows high-poverty schools to provide meals free of charge to all of their students.<sup>72</sup> Congress should also explore community eligibility options within CACFP.<sup>73</sup>

In addition to meals-to-go, Congress authorized for the first time Pandemic Electronic Benefits Transfer (P-EBT), which provides families

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<sup>65</sup> *Id.*

<sup>66</sup> Katherine W. Bauer, Jamie F. Chriqui, Tatiana Andreyeva, Erica L. Kenney, Virginia C. Stage, Dipti Dev, Laura Lessard, Caree J. Cortwright & Alison Tovar, *A Safety Net Unraveling: Feeding Young Children During COVID-19*, 111 *Am. J. Publ. Health* 117, 116–120 (2021).

<sup>67</sup> See McLoughlin et al., *supra* note 56, at 1128.

<sup>68</sup> AMELIE HECHT, CAROLINE G. DUNN, LINDSAY TURNER, SHEILA FLEISCHACKER, ERICA KENNEY & SARA N. BLEICH, HEALTHY EATING RESEARCH, IMPROVING ACCESS TO FREE SCHOOL MEALS: ADDRESSING INTERSECTIONS BETWEEN UNIVERSAL FREE SCHOOL MEAL APPROACHES AND EDUCATIONAL FUNDING (forthcoming June 2021).

<sup>69</sup> USDA Issues Pandemic Flexibilities for Schools and Day Care Facilities through June 2022 to Support Safe Reopening and Healthy, Nutritious Meals, U.S. DEP'T AGRIC. (April 20, 2021), <https://www.usda.gov/media/press-releases/2021/04/20/usda-issues-pandemic-flexibilities-schools-and-day-care-facilities>.

<sup>70</sup> Sheila Fleischacker & Elizabeth Campbell, *Ensuring Equitable Access to School Meals*, 120 *J. Acad. Nutr. Diet* 893, 893–897 (2020).

<sup>71</sup> See Juliana Cohen, Amelie Hecht, Gabriella McLoughlin, Lindsey Turner & Marlene Schwartz, *Universal School Meals and Associations with Student Participation, Attendance, Academic Performance, Diet Quality, Food Security, and Body Mass Index: A Systematic Review*, 13 *Nutrients* 911 (2021).

<sup>72</sup> *Fact Sheet: The American Families Plan*, WHITE HOUSE (April 28, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/28/fact-sheet-the-american-families-plan/>.

<sup>73</sup> See SARAH WIDOR, *supra* note. 54, at 4.

with benefits in the amount equal in value to the school meals missed due to school closures. P-EBT was modified in subsequent legislation (P.L. 116-159 and P.L.116-260) to include children under six attending childcare centers. Modeled after the pilot Summer EBT program<sup>74</sup>, evidence suggests P-EBT has helped “reduced food hardship...and lifted at least 2.7-3.9 million children out of hunger.”<sup>75</sup> The Center on Budget and Policy Priorities (CBPP) in partnership with FRAC documented that “every single state developed a mechanism to get [P-EBT] benefits to more than half of all school-aged children in the country in a matter of weeks or months.”<sup>76</sup> While P-EBT has provided invaluable benefits to vulnerable households, its roll out across states varied widely and administrative burden was high while the responsiveness was much longer than anticipated.<sup>77</sup> P-EBT also illustrated the shortcomings and successes of the administrative data infrastructure for many agencies administering benefits. For example, due to the increase over the last 10 years in directly certifying (or automatically enrolling) students living in households receiving SNAP benefits for free school meals, most states were equipped for distributing P-EBT to children in SNAP households.<sup>78</sup> But Idaho was the last state to apply for P-EBT and cited issues over data collection, among others, for what led to the delay.<sup>79</sup> On January 22, 2021, USDA announced an increase to the P-EBT benefit by approximately 15 percent, which would retroactively begin at the start of the school year 2020-2021.<sup>80</sup> P-EBT benefits have also been extended for the duration of the COVID-19 national emergency including, for the first time the summer

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<sup>74</sup> *Summer Electronic Benefit Transfer for Children (SEBTC)*, U.S. DEP’T AGRIC., <https://www.fns.usda.gov/ops/summer-electronic-benefit-transfer-children-sebtc> (last visited May 28, 2021).

<sup>75</sup> Lauren Bauer, Abigail Pitts, Krista Ruffini & Diane Whitmore Schanzenbach, *The Effect of Pandemic EBT on Measures of Food Hardship*, BROOKINGS (July 30, 2020), <https://www.brookings.edu/research/the-effect-of-pandemic-ebt-on-measures-of-food-hardship/>.

<sup>76</sup> STACY DEAN, CRYSTAL FITZSIMMONS, ZOË NEUBERGER, DOTTIE ROSENBAUM & ETIENNE MELCHER PHILBIN, CTR. ON BUDGET & POLICY PRIORITIES, CONGRESSIONAL INACTION EXACERBATES HARDSHIP: EFFECTIVE TOOLS ARE AVAILABLE AND SHOULD BE USED, 4 (2020), <https://www.cbpp.org/sites/default/files/atoms/files/9-14-20fa.pdf>.

<sup>77</sup> *Id.* at 4–5.

<sup>78</sup> ZOË NEUBERGER, CRYSTAL FITZSIMMONS, DOTTIE ROSENBAUM & ETIENNE MELCHER PHILBIN, CTR. ON BUDGET & POLICY PRIORITIES, LESSONS FROM EARLY IMPLEMENTATION OF PANDEMIC-EBT: OPPORTUNITIES TO STRENGTHEN ROLLOUT FOR SCHOOL YEAR 2020-2021, at 4–7 (2020), <https://www.cbpp.org/sites/default/files/atoms/files/10-8-20fa.pdf>.

<sup>79</sup> Ximena Bustillo, *Idaho was Last State to Apply for Pandemic Relief for School-Lunch Students. Here’s Why*, IDAHO STATESMAN (Aug. 7, 2020, 1:19 PM), <https://www.idahostatesman.com/news/local/education/article244753172.html>.

<sup>80</sup> *Biden Administration Expands P-EBT to Benefit Millions of Low-Income and Food Insecure Children During Pandemic*, U.S. DEP’T AGRIC., (January 22, 2021), <https://www.usda.gov/media/press-releases/2021/01/22/biden-administration-expands-p-ebt-benefit-millions-low-income-and>.

months, starting summer 2021.<sup>81</sup> More work remains to ensure this roll out during summer 2021 and beyond does not artificially compete with meals-to-go options offered at schools or conflict with the summer enrichment options offered through a variety of USDA Child Nutrition Summer Feeding Programs.<sup>82</sup> The proposed American Families Plan aims to expand summer EBT to all eligible children nationwide.<sup>83</sup>

#### *D. College Students, Emerging Adults & and Other Able Bodied Adults Without Dependents*

The December 2020 stimulus relief included a provision that extends SNAP eligibility to college students who are eligible for federal or state work study program or who have an expected family contribution of zero.<sup>84</sup> This expansion of the “College SNAP rule”<sup>85</sup> was positive given the high levels of food insecurity documented across college campuses in our country.<sup>86</sup> Previously, only some students may be SNAP eligible if they receive public assistance under a Title IV-A program, participate in a state or federally financed work study program, work at least 20 hours a week, or are a single parent or guardian of a young child.<sup>87</sup> During the 116<sup>th</sup> legislative session (2019-2020) immediately before the pandemic, 17 bills (12 unique) were introduced to address college food insecurity and none of the first four COVID-19 stimulus bills explicitly targeted college food insecurity.<sup>88</sup> Seven

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<sup>81</sup> *USDA to Provide Critical Nutrition Assistance to 30M+ Kids Over the Summer*, U.S. DEP’T AGRIC., (April 26, 2021), <https://www.usda.gov/media/press-releases/2021/04/26/usda-provide-critical-nutrition-assistance-30m-kids-over-summer#:~:text=P-EBT%20was%20established%20in%20March%202020%20to%20provide,of%20the%20pandemic%2C%20including%20during%20the%20summer%20months>.

<sup>82</sup> Jessica Soldavini, Rebecca L. Franckle, Caroline Dunn, Lindsey Turner & Sheila Fleischhacker, *Strengthening the Impact of USDA’s Child Nutrition Summer Feeding Programs During and After the COVID-19 Pandemic*, HEALTHY EATING RES., (May 2021), <https://healthyeatingresearch.org/wp-content/uploads/2021/05/HER-Summer-Feeding-final-1.pdf>.

<sup>83</sup> WHITE HOUSE, *supra* note 72..

<sup>84</sup> Consolidated Appropriations Act, Pub. L. No. 116-260, div. N, tit. VII, § 702(e); AUSSENBERG & BILLINGS, *supra* note 39, at 9.

<sup>85</sup> Melissa Laska & Sheila Fleischhacker, *Keeping Low-Income College Students from Going Hungry*, THE HILL (Aug. 11, 2020, 4:30 PM), <https://thehill.com/opinion/finance/511479-keeping-low-income-college-students-from-going-hungry>.

<sup>86</sup> Meg Bruening, Katy Argo, Devon Payne-Sturges & Melissa N. Laska, *The Struggle Is Real: A Systematic Review of Food Insecurity on Postsecondary Education Campuses*, 117 J. ACAD. NUTRITION & DIETETICS 1767, 1767–91 (2017), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6901286/>.

<sup>87</sup> Food & Nutrition Serv., *Students*, U.S. DEP’T AGRIC., <https://www.fns.usda.gov/snap/students> (last visited Jan. 14, 2021).

<sup>88</sup> Melissa N. Laska, Sheila Fleischhacker, Christina Petsoulis, Meg Bruening & Michael Stebleton, *Addressing College Food Insecurity: An Assessment of Federal Legislation Before and During Coronavirus Disease-2019*, 52 J. NUTRITION EDUC. & BEHAV. 982, 983 (2020).



states have enacted relevant college food insecurity policies and 6 more introduced bills, while 37 states have no relevant legislative efforts.<sup>89</sup> More comprehensive approaches are needed to enhance college affordability including affordable housing policies and work study programs. Efforts are needed to evaluate the recent, temporary extension of SNAP eligibility to college students who are eligible for federal and state work study programs and have an expected family contribution of zero to better determine if this should be extended and/or expanded further to help address college food insecurity (P.L. 116-260). Moreover, research funding mechanisms within the government and non-government organizations should make sure college students and emerging adults – who are not adults but often fall outside the scope of child health – receive adequate attention as we work to identify the most promising approaches to address food insecurity among these populations during and after the COVID-19 pandemic. The American Rescue Plan (P.L. 117-2) permits individuals under 25 experiencing homelessness to receive meals through emergency shelters participating in the USDA Child and Adult Care Food Program.

Another area for exploration is how to better integrate college students and other emerging adults who are not in college or just graduated into educational programs or workforce development trainings that can directly help foster a more resilient food system and help during nutrition emergencies before, during and after natural disasters; for example, Food Corp, AmeriCorp, Extension, among others.<sup>90</sup> Through these targeted programs, these workers can help develop new business models to rapidly improve food distribution, consumer connection, and infrastructure while reducing wasted food, especially in socially disadvantaged populations.

Specific to Able Bodied Adults Without Dependents (ABAWDs), which could range from ages 16 to 59 for SNAP eligibility purposes, Congress and the courts have helped to halt the stricter SNAP work requirements put forth in a final rule by the Trump administration.<sup>91</sup> The

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<sup>89</sup> See Melissa N. Laska, Sheila Fleischhacker, Christina Petsoulis, Meg Bruening & Michael Stebleton, *Food Insecurity Among College Students: An Analysis of US State Legislation Through 2020*, 53 J. NUTRITION EDUC. & BEHAV. 261, 261–66 (2021).

<sup>90</sup> Alesandros Glaros, Chole Alexander, Jodi Koberinkski, Steffanie Scott, Stephen Quilley & Zhenzhong Si, *A Systems Approach to Navigating Food Security During COVID-19: Gaps, Opportunities, and Policy Supports*, 10 J. AGRIC. FOOD SYS. COMMUNITY DEV., 3-8, 1-13 (2021).

<sup>91</sup> See Families First Coronavirus Response Act, Pub. L. No. 116-127, § 2301, 134 Stat. 178, 187–188 (2020); see JESSICA SHAHIN, FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., FNS-GD-2020-0016, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) – FAMILIES FIRST CORONAVIRUS RESPONSE ACT AND IMPACT ON TIME LIMITS FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWDs) (2020), <https://www.fns.usda.gov/snap/ffcr-impact-time-limit-abawds#:~:text=As%20you%20are%20aware%2C%20section,%2C%20or%3B%20are%20otherwise%20exempt> (discussing the legislative response to lessen the strict work requirements through the Families First Coronavirus Response Act). See, e.g., Dist. of

Biden administration rescinded the Trump administration's stricter work requirements and withdrew the Department's appeal on the previously vacated final rule (84 FR 66782).<sup>92</sup> SNAP continues to have two sets of work requirements, which states could seek waivers on implementing during times of local economic and job market challenges like the current COVID-19 pandemic and associated economic ramifications.<sup>93</sup> More work remains to better leverage the USDA SNAP Employment and Training Program, recognizing the variety of situations that fall under the current ABAWD definition and fully analyzing any potential unintended consequences of SNAP work requirements' promoting self-sufficiency aims on SNAP's key mission of addressing food insecurity.<sup>94</sup> Further attention is also needed to explore potentially incrementally decreasing SNAP benefits when an individual or household income changes to not unintendedly punish securing work.<sup>95</sup>

### *E. Elders*

The Older Americans Act was reauthorized during the initial weeks of the COVID-19 pandemic and included administrative and delivery flexibilities for Meals on Wheels.<sup>96</sup> Additional supplemental funds have been

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Columbia v. U.S. Dep't of Agric., 444 F. Supp. 3d 1, 21–33 (D.D.C. 2020). For a description of the stricter work requirements proposed under the Trump Administration, see Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 980, 980–88 (Feb. 1, 2019). See Food & Nutrition Serv., *Work Requirement Policy Resources*, U.S. DEP'T AGRIC., <https://www.fns.usda.gov/snap/work-requirements-policies> (last visited Jan. 14, 2021).

<sup>92</sup> *Statement by Agriculture Secretary Tom Vilsack on D.C. Circuit Court's Decision Regarding ABAWDs Rule*, U.S. DEP'T AGRIC., (Mar. 24, 2021) <https://www.usda.gov/media/press-releases/2021/03/24/statement-agriculture-secretary-tom-vilsack-dc-circuit-courts>.

<sup>93</sup> Food & Nutrition Serv., SNAP Work Requirements, U.S. DEP'T AGRIC., <https://www.fns.usda.gov/snap/work-requirements> (last visited June 2, 2021).

<sup>94</sup> Sheila Fleischhacker et al., *Legislative and Executive Branch Developments Affecting the United States Department of Agriculture Supplemental Nutrition Assistance Program*, 15 J. FOOD L. & POL'Y 159, 159–62 (2019).

<sup>95</sup> Dottie Rosenbaum, SNAP's "Broad-Based Categorical Eligibility" Supports Working Families and Those Saving for the Future, CENTER ON BUDGET AND POLICY PRIORITIES, <https://www.cbpp.org/research/food-assistance/snaps-broad-based-categorical-eligibility-supports-working-families-and#:~:text=One%20aspect%20of%20SNAP%20can,their%20earnings%20above%20that%20level> (last updated July 30, 2019).

<sup>96</sup> See Older Americans Act of 1965, tit. II, sec. 311(e), § 203, 134 Stat. 240, 254–55 (2020); see Press Release, Ellie Hollander, President & Chief Exec. Officer, Meals on Wheels, Bob Blancato, Exec. Dir., Nat'l Ass'n of Nutrition and Aging Servs., \$500 Million More in Emergency Funding for Senior Nutrition Programs Signed into Law (Mar. 27, 2020), <https://www.mealsonwheelsamerica.org/learn-more/national/press->

authorized in subsequent COVID-19 stimulus packages for anticipated increased enrollment.<sup>97</sup> This is a vulnerable population, especially during this pandemic, so these flexibilities have helped provide a vital source of nutrition, while ensuring participant and program staff safety. Regarding SNAP, efforts to help elders enroll where feasible in online SNAP might help mitigate their exposure risks too. Ensuring SNAP benefit adequacy during this pandemic and beyond will also be helpful to round out the federal nutrition safety for elders.<sup>98</sup> Another important USDA FNS program for this life stage is the Commodity Supplemental Food Program (CSFP), which Congress (P.L. 117-2) appropriated an additional \$37 million to response to additional pandemic related needs. More work remains to build stronger intersections across the entire social safety net, particularly tailored towards our elders, who have varying nutritional, health, and social assistance needs based on the diversity of ages, health status, family support, and living situations, among others factors.

### III. Strengthening the Public Health Impacts of our Federal Nutrition Safety Net

A critical ingredient to addressing food insecurity, along with the preventable racial inequities in diet-related chronic diseases, will be to strengthen the public health impacts of our federal nutrition safety net. Increasingly, there have been a variety of efforts that have targeted improving the dietary quality of our suite of federal nutrition assistance programs; for example, improved WIC Food Package, stronger nutrition standards for school and childcare meals, and various competitive funding programs such as GusNIP that incentivizes fruit and vegetable consumption among SNAP participants.<sup>99</sup> Going forward, further policy, programmatic and resource

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room/news/2020/03/27/\$500-million-more-in-emergency-funding-for-senior-nutrition-programs-signed-into-law.

<sup>97</sup> ADMIN. FOR CMTY. LIVING, U.S. DEP'T OF HEALTH & HUMAN SERVS., ACL COVID-19 RESPONSE (2021), <https://acl.gov/sites/default/files/common/AoA%20-%20Fiscal%20FAQs%20Supplement%205.pdf>; see Press Release, Ellie Hollander, President & Chief Exec. Officer, Meals on Wheels, Bob Blancato, Exec. Dir., Nat'l Ass'n of Nutrition and Aging Servs., Meals on Wheels America and NANASP Praise Enactment of American Rescue Plan (Mar. 11, 2021), <https://www.mealsonwheelsamerica.org/learn-more/national/press-room/news/2021/03/11/meals-on-wheels-america-and-nanasp-praise-enactment-of-american-rescue-plan>.

<sup>98</sup> See BLEICH ET AL., *supra* note 40.

<sup>99</sup> See Kelsey A. Vercammen et al., *Strengthening the Public Health Impacts of the Supplemental Nutrition Assistance Program Through Policy*, 41 ANN. REV. PUB. HEALTH 453, 455–72 (2020), available at <https://www.annualreviews.org/doi/pdf/10.1146/annurev-publhealth-040119-094143> (evaluating policy opportunities to strengthen the public health impact of SNAP); see Sheila Fleischhacker et al., *Addressing Food Insecurity in the United States: The Role of Policy, Systems Changes, and Environmental Supports*, 9 TRANSLATIONAL BEHAV. MED. 827, 827–36 (2019), available at <https://academic.oup.com/tbm/article/9/5/827/5556898> (providing an overview of approaches to addressing food insecurity in the United States).

allocation actions could help strengthen the public health impacts of the federal nutrition safety net, including but not limited to:

- Consider, as needed, extending and/or expanding the current federal nutrition assistance adaptations, in combination with other social safety net supports such as income, housing, transportation, and childcare supports;
- Support local, tribal, territorial, and state innovations to address food insecurity and health equity through federal nutrition assistance programs, including educational supports and workforce development training that are better integrated with federal nutrition safety net supports;
- Prioritize the role of the federal nutrition assistance programs in addressing food *and* nutrition insecurity<sup>100</sup>, racial inequalities, economic recovery, and climate change, including the effective role of permanently increasing SNAP's maximum benefit by 15 percent, monitoring and addressing (as needed) the financial health of school and childcare food service operations, and ensuring those in need are enrolled and retained accordingly;
- Ensure future immigration reforms (e.g., the current and any future modifications to the Public Charge Rule), adequately consider the ramifications on federal nutrition assistance;
- Strengthen the development and implementation of the latest *Dietary Guidelines for Americans*<sup>101</sup> across the suite of federal nutrition assistance programs (e.g., the WIC Food Package, school and childcare based programs' nutrition standards);
- Maximize the Child Nutrition and Farm Bill reauthorization processes, among other levers, to strengthen the public health impacts of federal nutrition assistance programs, including appropriations for research and evaluation to help identify evidence-based strategies and accelerate scalability; as one example, making permanent universal free school meals; and

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<sup>100</sup> Dariush Mozaffarian, Sheila Fleischhacker & José R. Andres, *Prioritizing Nutrition Security in the US*, 325 J. AM. MED. ASSOC., 1605, 1605–1606 (2021).

<sup>101</sup> See generally U.S. DEP'T OF AGRIC. & U.S. DEP'T OF HEALTH AND HUMAN SERVS., 9 DIETARY GUIDELINES FOR AMERICANS, 2020-2025 (2020), available at [https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary\\_Guidelines\\_for\\_Americans-2020-2025.pdf](https://www.dietaryguidelines.gov/sites/default/files/2021-03/Dietary_Guidelines_for_Americans-2020-2025.pdf).

- Create a new more centralized Office of the National Director of Food and Nutrition<sup>102</sup> to better coordinate across the federal food and nutrition agencies to ensure *all* Americans have access to safe and nutritious foods and beverages and we have a roadmap for building a more resilient food system.

#### IV. Conclusion

The federal response to the significant food insecurity resulting from COVID-19 has been swift with many successes by and across key life stages. Moving forward, research and evaluation should be better integrated to help identify in real-time critical gaps and opportunities, particularly examining how best to lift up multi-generational, multi-sectoral, multi-disciplinary, and multi-jurisdictional approaches. Shortcomings should be examined and ideally addressed. Deliberate efforts are needed to determine which of the many waivers should be extended, expanded, or made permanent to help with the pandemic recovery and beyond. All of this work should be done with an eye toward racial equity and maximizing the public health impact of the federal nutrition safety net.

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<sup>102</sup> Sheila E. Fleischhacker, Catherine E. Woteki, Paul M. Coates, Van S. Hubbard, Grace E. Flaherty, Daniel R. Glickman, Thomas R. Harkin, David Kessler, William W. Li, Joseph Loscalzo, Anand Parekh, Sylvia Rowe, Patrick J. Stover, Angie Tagtow, Anthony Joon Yun & Dariush Mozaffarian, *Strengthening National Nutrition Research: Rationale and Options for a New Coordinated Federal Research Effort and Authority*, 112 AM. J. CLINICAL NUTRITION 721, 747–49 (2020), available at <https://academic.oup.com/ajcn/article/112/3/721/5873352>.

**Table 1:** The Federal Nutrition Safety Net: The United States Department of Agriculture (USDA) Suite of 15 Federal Nutrition Assistance Programs and the US Department of Health and Human Services Older Americans Act Nutrition Programs<sup>103</sup>

**Supplemental Nutrition Assistance Program (SNAP)**

*Overview:* Formerly known as Food Stamps, SNAP has evolved into an entitlement program that provides eligible individuals and families, persons with disabilities, and elders with monthly benefits through electronic benefit transfer accounts that allow participants to purchase eligible foods and beverages from more than 240,000 authorized retailers

*Year Established:* 1961

*Authorizing Statue(s):* The Agricultural Adjustment Act – 1935 (P.L. 74-320) provided initial funding to encourage domestic consumption of agricultural commodities, The Food and Nutrition Act of 2008 (P.L. 88-525, § 1 et seq.), among others

*Participants:* Averaged 37 million prior to COVID-19 and rose to about 43 million individuals and households per month during the COVID-19 pandemic

*Cost:* \$68.3 Billion appropriated for fiscal year 2021

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
The Families First Coronavirus Response Act (P.L. 116-127)

- Temporarily suspends the time limit for Able-Bodied Adults Without Dependents (ABAWD SNAP participants during the COVID-19 pandemic
- Allows Emergency allotments for all SNAP households up to the maximum benefit (\$646 for a family of four) during the duration of the pandemic
- Authorizes Pandemic-Electronic Benefits Transfer (P-EBT) for households with children who would normally receive free or reduced-price school meals if school is closed for at least five consecutive days during the pandemic
- Allows re-enrollment flexibilities to extend deadlines for participants re-enrolling to receive SNAP benefits
- Permits adjustments to Interview Requirements to allow flexibilities around the in-person interview approval process,

<sup>103</sup> Fleischhacker et al., *supra* note 99, at 828–29; Econ. Research Serv., *Costs and Participation*, U.S. DEP'T OF AGRIC., <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-assistance-data-collaborative-research-programs/charts/costs-and-participation/> (last updated Apr. 14, 2021); Bleich et al., *supra* note 21, at Table 1; CONG. RESEARCH SERV., R46488 USDA Domestic Food Assistance Programs: FY2020 Appropriations (August 20, 2020); CONG. RESEARCH SERV., IN FOCUS, Older Americans Act: Nutrition Services Program (2020).

among others administrative flexibilities including for Disaster SNAP (D-SNAP)

The Coronavirus Aid Relief and Economic Security Act (P.L. 116-136)

- Appropriates \$15.8 Billion for SNAP appropriation for anticipated surges in administrative and benefit costs resulting from increased unemployment

FY2021 Continuing Resolution (P.L. 116-159)

- Extends P-EBT authority through FY2021 to approval state plans
- Expands P-EBT to include children at childcare centers
- Expands P-EBT to US territories participating in the Nutrition Assistance Program (i.e., Puerto Rico, American Samoa and Commonwealth of Northern Mariana Islands)
- Extends several of the SNAP flexibilities approved under the Families First Coronavirus Response Act
- Permits state SNAP agencies to adopt certain options without USDA Food and Nutrition Service approval
- Provides a finite time period for each adjustment options

FY2021 Consolidated Appropriations Act (P.L. 116-260)

- Increases the monthly SNAP benefit level by 15% based on the June 2020 Thrifty Food Plan through June 30, 2021
- Provides \$100 million for state SNAP administrative costs through FY2021
- Excludes Pandemic Unemployment Compensation from being counted towards household income for SNAP
- Extends SNAP eligibility to college students who are eligible for federal or state work study program or has an expected family contribution of zero
- Provides \$5 million for technical support to USDA in expanding the SNAP online purchasing program, including farmers markets and direct marketing farmers, and for supporting mobile payment technologies and the electronic benefit transfer system
- Provides clarity regarding P-EBT benefits to children under 6

- Makes P-EBT implementation easier for states and clarifies simplifying assumptions that may be used

American Rescue Plan of 2021 (P.L. 117-2)

- Extends the 15% SNAP increase benefits for all participants through September 30, 2021, with \$1.15 billion allocated for the cost of state administrative expenses
- Invests in technological improvements to expand access for families to use their SNAP benefits to purchase groceries online
- Provides states with \$1.135 billion to support and enhance their SNAP administration
- Extends Pandemic-EBT through Summer 2021

**Nutrition Assistance Program (NAP)**

*Overview:* Based on but not directly a part of SNAP and provides income-eligible individuals and families with cash benefits for food and beverage purchases in Puerto Rico, American Samoa, and the Commonwealth of the Northern Mariana Islands

*Year Established:* 1982

*Authorizing Statutes(s):* The Omnibus Budget Reconciliation Act of 1981 (P.L. 97-35) permitted NAP to operate via block grant in a growing number of US territories

*Participants:* Not available

*Cost:* \$1,977.9 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
FY2021 Continuing Resolution (P.L. 116-159)

- Expands P-EBT to US territories participating in the NAP

Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Provides \$614 million to Puerto Rico and American Samoa for nutrition assistance, of which \$14 million shall be available to the Commonwealth of the Northern Mariana Islands



American Rescue Plan of 2021 (P.L. 117-2)

- Appropriates \$1 billion in nutrition assistance for the U.S. territories participating in the NAP

**Disaster Supplemental Nutrition Assistance Program (D-SNAP)**

*Overview:* Provides assistance to low-income households with food loss or damage caused by a natural disaster after the President has declared individual assistance for the disaster area and a state requests USDA's approval to operate the program

*Year Established:* 1973

*Authorizing Statute(s):* The Agriculture and Consumer Protection Act of 1973 (P.L. 93-86) required the USDA to establish temporary eligibility standards for disasters; the Food and Agriculture Act of 1977 (P.L. 95-113) required states to develop a disaster plan; and the Farm Bill and Congressional appropriations generally provide for disaster relief

*Participants:* Not available

*Cost:* \$1.4 billion (including SNAP Supplements)

**The Emergency Food Assistance Program (TEFAP)**

*Overview:* Provides assistance to low-income households with food loss or damage caused by a natural disaster after the President has declared individual assistance for the disaster area and a state requests USDA's approval to operate the program

*Year Established:* 1981

*Authorizing Statute(s):* TEFAP was established by the Emergency Food Assistance Act of 1983 (P.L. 98-8) and this Act continues to govern program operations; the Hunger Prevention Act of 1988 (P.L. 100-435) authorized funds to be appropriated and formally named under the 1990 Farm Bill (P.L. 101-624); the Food and Nutrition Act of 2008 (P.L. 113-79) provides mandatory funding for the program's entitlement commodities; and the 2018 Farm Bill 2018 (P.L. 115-334) reauthorized mandatory food purchases and reauthorizes discretionary storage and distribution grants

*Participants:* Not available

*Cost:* \$84 million appropriated for fiscal year 2021

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*

The Families First Coronavirus Response Act (P.L. 116-127)

- Appropriates \$400 million to assist local food banks to meet increased demand for low-income Americans during the emergency. Of the total, \$300 million is for the purchase of nutritious foods and \$100 million is to support the storage and distribution of the foods

Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Invests \$400 million in TEFAP through September 30, 2021
- Allows up to 20% of these funds to be used for commodity distribution

American Rescue Plan of 2021 (P.L. 117-2)

- Increases food available for distribution through food banks, nonprofits, or restaurants to help feed families in need and at the same time supports farmers by purchasing their product

*Disaster Household Distribution*

The Families First Coronavirus Response Act (P.L. 116-127)

- Permits USDA to approve state and local agency requests to provide boxes of food directly to households in Disaster affected areas

**Food Distribution Program on Indian Reservations (FDPIR)**

*Overview:* Provides USDA Foods to income-eligible households living on Indian reservations and to American Indian households residing in approved areas near reservations or in Oklahoma

*Year Established:* 1976

*Authorizing Statute(s):* FDPIR is authorized under Food and Nutrition Act of 2008 (P.L. 113-79, §4(b)), Agriculture and Consumer Protection Act of 1973 (P.L. 93-86, §4(a)), and the 2018 Farm Bill 2018 (P.L. 115-334) reauthorized the program

*Participants:* 83,811 individuals monthly in 2019, across 276 tribes

*Cost:* \$134 million appropriated for fiscal year 2021

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*

The Coronavirus Aid Relief and Economic Security Act (P.L. 116-136)

- Appropriates \$50 Million to ensure increased FDPIR program participation would be covered during these uncertain times and to support bonus packages for new and current participants over the coming months
- Authorizes USDA to approve modified FDPIR drive-thru models and other modes of delivery

*Disaster Household Distribution*

The Families First Coronavirus Response Act (P.L. 116-127)

- Permits USDA to approve state and local agency requests to provide boxes of food directly to households in Disaster affected areas

**Commodity Supplemental Food Program (CSFP)**

*Overview:* Now works to improve the health of low-income persons at least 60 years of age by distribution of commodities and providing administrative support to participating states and Indian tribal organizations

*Year Established:* 1969

*Authorizing Statute(s):* The Agriculture and Consumer Protection Act of 1973 (§4(a)) authorized the program and the 2018 Farm Bill reauthorized the program

*Participants:* 702,565 individuals monthly in 2019

*Cost:* \$245 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
FY2021 Continuing Resolution (P.L. 116-159)

- Allows FNS to spend at a higher rate during the continuing resolution to provide supplemental foods to income eligible seniors and some income eligible women, infants, and children up to age six for CSFP

Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Provides \$13 million to the CSFP, 20% of which may be used for administrative costs through September 30, 2021
- Allows FNS to spend at a higher rate to provide supplemental foods to low-income seniors and to some low-income women, infants, and children up to age six for the CSFP

American Rescue Plan of 2021 (P.L. 117-2)

- Provides an additional \$37 million for the CSFP

**USDA Foods in Schools**

*Overview:* Provides American commodities for schools and institutions participating in the National School Lunch Program (NSLP), the Child and Adult Care Food Program (CACFP), and the Summer Food Service Program (SFSP)

*Year Established:* Not available

*Authorizing Statute(s):* The authorizing statute is Richard B. Russell National School Lunch Act (P.L. 79-396) (§6), the Agricultural Adjustment Act of 1935 (P.L. 74-320) (§32), the Agricultural Act of 1949 (P.L. 81-439) (§416), and this program is a part of the forthcoming Child Nutrition Reauthorization

*Participants:* Approximately 100,000 public and private nonprofit schools that provide lunches to students

*Cost:* USDA expected to purchase over \$1.2 billion in USDA Foods for Schools and Child Nutrition Programs during the 2019-2020 school year (approximately 1.3 billion pounds)

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
The Families First Coronavirus Response Act (P.L. 116-127)

- Establishes a nationwide opt-in waiver to minimize the impact of school year 2019-2020 related school closures on State Distributing Agencies' school year 2020-2021 USDA Food Entitlement

**National School Lunch Program (NSLP)**

*Overview:* Provides federal reimbursement for school meal programs operating in public and private schools and residential child care institutions

*Year Established:* 1946

*Authorizing Statute(s):* The Richard B. Russell National School Lunch Act (P.L. 79-396) (§6), the Agricultural Adjustment Act of 1935 (P.L. 74-320) (§32), and The Agricultural Act of 1949 (P.L. 81-439) (§416), and this program is a part of the forthcoming Child Nutrition Reauthorization

*Participants:* 29.6 million per school day for school year 2019; dropped to 22.4 during the COVID-19 affected 2020 school year

*Cost:* \$12,507.5 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* Also applicable to the National School Breakfast Program (SBP), Child and Adult Care Food Program (CACFP), Summer Food Service Program (SFSP)/Summer Seamless Option (SSO)

The Families First Coronavirus Response Act (P.L. 116-127)

- Allows parents and guardians to pick up meals to bring home to their kids
- Temporarily waives meal time requirements to make it easier to pick up multiple days' worth of meals at once
- Allows meals be served in a non-congregate setting to support social distancing
- Allows states to serve free meals to children through the summer in all areas, rather than only those in areas where at least half of students receive free or reduced-price meals
- Selected Other Nationwide Waivers
  - Extends the Community Eligibility Provision deadline for school year 2020-2021
  - Extends the 60-day reporting deadline for all state agencies, school food authorities, and CACFP and SFSP sponsoring organizations
  - Waives the requirement that afterschool meals and snacks served through certain programs be accompanied by educational activities to minimize exposure to the novel coronavirus
  - Provides flexibilities for certain monitoring and review requirements
  - Gives states the flexibility to serve meals that do not meet meal pattern requirements when needed

- Additional Flexibilities
  - *Fresh Fruit and Vegetable Program (FFVP)* – Allows FFVP at SSO and SFSP sites and parents to pick up FFVP foods and bring them home to their children
  - *Special Milk Program (SMP)* – Allows state-approved SMP operators, in good standing, to be reimbursed for milk served in non-congregate settings and allows parents to pick up milk and bring them home to their children during non-congregate meal services

FY2021 Continuing Resolution (P.L. 116-159)

- Extends NSLP flexibilities approved under the Families First Coronavirus Response Act

Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Provides emergency relief to help school meal and child and adult care food programs to continue serving children and families

**School Breakfast Program (SBP)**

*Overview:* Provides federal reimbursement of breakfast meals served at programs operating in public and private schools and residential child care institutions

*Year Established:* 1966

*Authorizing Statute(s):* The Child Nutrition Act of 1966 (P.L. 89-642) authorized the School Breakfast Program pilot and amendments to this Act made the program a permanent entitlement program in 1975 (P.L. 94-105) and SBP is a part of the forthcoming Child Nutrition Reauthorization

*Participants:* 14.77 million children in fiscal year 2019; dropped to 12.32 during the COVID-19 affected 2020 school year

*Cost:* \$4,831.4 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* See National School Lunch Program

**Special Milk Program (SMP)**

*Overview:* Subsidizes milk provisions to children to eligible institutions, not participating in the National School Lunch Program or School Breakfast Program

*Year Established:* 1954

*Authorizing Statute(s):* This program has been operating since 1954 (P.L. 86-478), become part of the Child Nutrition Act of 1966 (P.L. 89-642), and is a part of the forthcoming Child Nutrition Reauthorization

*Participants:* 35 million total half pints served in fiscal year 2019

*Cost:* \$7.1 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* See National School Lunch Program

**Summer Food Service Program (SFSP)**

*Overview:* Provides federal reimbursement for meals and snacks provided during the summer months to participating sites, including schools, community centers, parks, and faith-based organizations

*Year Established:* 1969

*Authorizing Statute(s):* The Richard B. Russell National School Lunch Act of 1968 (P.L. 90-302) authorized a summer feeding program and SFSP is part of the forthcoming Child Nutrition Reauthorization

*Participants:* 141 million total meals and snacks in fiscal year 2019

*Cost:* \$526.4 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* See National School Lunch Program

**Fresh Fruit and Vegetable Program (FFVP)**

*Overview:* Provides federal reimbursement for meals and snacks provided during the summer months to participating sites, including schools, community centers, parks, and faith-based organizations

*Year Established:* 2002

*Authorizing Statute(s):* The Farm Security and Rural Investment Act of 2002 (P.L. 107-171) and the Agricultural Act of 2014 (P.L. 113-76) authorized FFVP and this program is part of the forthcoming Child Nutrition Reauthorization

*Participants:* Not available

*Cost:* \$175.5 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* See National School Lunch Program

**Child and Adult Care Food Program (CACFP)**

*Overview:* Provides federal reimbursement for meals and snacks served to children, adolescents, and elders participating in eligible programs based in a variety of settings such as the Boys and Girls Club, early childcare centers and day care homes, and recreational sites providing programming tailored to seniors, among others

*Year Established:* 1968

*Authorizing Statutes(s):* The Richard B. Russell National School Lunch Act of 1968 (P.L.90-302) authorized the program for child care centers, day care homes, adult day care centers and then with additional amendments in 1994 the program expanded to offer at-risk after-school snacks and meals and CACFP is part of the forthcoming Child Nutrition Reauthorization

*Participants:* 2,035.8 million total meals served

*Cost:* \$3,835.7 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:* See National School Lunch Program

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

*Overview:* Provides benefits redeemable for supplemental foods and beverages, along with nutrition counseling and breastfeeding support to eligible women who are pregnant and/or lactating and infants from age 0 to 5

*Year Established:* 1972

*Authorizing Statute(s):* The Child Nutrition Act of 1966 was amended in 1972 (P.L. 92-433) to authorize WIC as a two-year pilot program, in 1975 WIC was made permanent (P.L. 94-105), and is part of the forthcoming Child Nutrition Reauthorization

*Participants:* 6,247 thousand per month in fiscal year 2020

*Cost:* \$6 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
The Families First Coronavirus Response Act (P.L. 116-127)

- Appropriates \$500 million for FY2020 to support anticipated increases in WIC enrollment
- Authorizes the USDA to waive WIC regulatory requirements at a state's request, including the physical presence requirement

#### FY2021 Continuing Resolution (P.L. 116-159)

- Extends waivers for WIC that were included in the Families First Act until September 30, 2021

#### Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Requires the USDA to establish a task force on food delivery models in the WIC program so that participants have access to



curbside pickup and other safe food purchasing methods during the pandemic

American Rescue Plan of 2021 (P.L. 117-2)

- Funds program modernization, innovation, and outreach
- Temporarily increases the portion of amount of fruits and vegetables WIC participants can purchase with their benefits from \$9 to \$35 per month through September 30, 2021

**Farmers' Market Nutrition Program (FMNP)/Senior Farmers' Market Nutrition Program (SFNMP)**

*Overview:* Provides vouchers to WIC participants and eligible seniors to redeem at farmers' markets

*Year Established:* 1992

*Authorizing Statute(s):* The Child Nutrition Act of 1966 was amended in 1992 (P.L. 102-314) to authorize WIC FMNP and SFNMP; the Farm Security and Rural Investment Act of 2002 (P.L. 107-171, §4307) authorized \$15 million until expended; the Healthy, Hunger-Free Kids Act of 2010 (P.L. 111-296, §424) authorized \$20 million per year but annual appropriations have been between \$15 to \$18.5 million through fiscal year 2019; and FMNP/SFNMP are part of the forthcoming Child Nutrition Reauthorization

*Participants:* About 832,11 individually annually for fiscal year 2019

*Cost:* \$21 million appropriate for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
The Families First Coronavirus Response Act (P.L. 116-127)

- Allows administrative flexibilities, including operational changes to support social distancing

**Older Americans Act Nutrition Program**

*Overview:* Administered by the US Department of Health and Human Services Administration on Aging within the Administration for Community Living, the Older Americans Act (OAA) Nutrition Programs provide grants to states to help support nutrition services for older people throughout the country. Programs include the Congregate Nutrition Program and the Home-Delivered Nutrition Program. The network is made up for more than 3,500 home-delivered meal providers and more than 4,100 congregate meal providers.

*Year Established:* 1972

*Authorizing Statute(s):* The Older Americans Act Title III grants authorize programs for State and Community Programs on Aging; and the Title VI Grants authorize programs for American Indians, Alaska Natives, and Native Hawaiians

*Participants:* 73.6 million congregate meals were served to about 1.5 million meal participants in fiscal year 2018

*Cost:* \$937 million appropriated for fiscal year 2020

*COVID-19 Legislative Adaptations, Authorizations & Appropriations:*  
The Families First Coronavirus Response Act (P.L. 116-127)

- Appropriates \$250 million for the Senior Nutrition Program

The Supporting Older Americans Act of 2020 (P.L. 116-131)

- Authorizes flexibilities for Meals on Wheels during the pandemic (additional supplemental funds were authorized in other COVID-19 stimulus packages)

The Coronavirus Aid Relief and Economic Security Act (P.L. 116-136)

- Appropriates \$500 Million additional funds for Older American Act, which includes funding to support nutrition services for older people throughout the country

Consolidated Appropriations Act, 2021 (P.L. 116-260)

- Provides \$175 million in emergency funding for Older Americans Act nutrition programs, including \$7 million for tribal nutrition programs
- Provides needed flexibility to area agencies on aging and state units on aging to ensure that older adults' nutritional needs can continue to be met safely during the pandemic

American Rescue Plan of 2021 (P.L. 117-2)

- Appropriates \$750 million to nutrition services