

# Fiscal Year 2023 Consolidated Appropriations Act

## Bill Summary - Updated 12-22-22

The Feeding America Government Relations Team is providing a summary of nutrition provisions and other key provisions in the fiscal year 2023 Consolidated Appropriations Act (H.R. 2617), often referred to as the omnibus spending bill.

This legislation was released by the House and Senate appropriations committee chairs on Dec. 20, 2022. Below are links to several helpful Consolidated Appropriations Act resources and a summary of key provisions in the legislation.

- [Bill Text: Consolidated Appropriations Act, 2023](#)
- [Section-By-Section Bill Summary](#)
- [Detailed Explanatory Statements](#)

## Nutrition Provisions

### Summer Child Nutrition Programs

- The bill makes historic improvements and investments to help end summer hunger for children.
  - **It creates a new, permanent, nationwide Summer Electronic Benefits Transfer (EBT) program** that will provide \$40 per month, per child to families with eligible children. The Summer EBT program will begin in summer 2024. The bill includes special provisions to allow Indian Tribal Organizations (ITOs) to administer Summer EBT.
    - The benefit amount will be indexed to inflation, with higher amounts for families in Alaska, Hawaii and certain territories.
  - **It establishes flexibility within the Summer Food Service Program (SFSP) to provide meals in a non-congregate setting** in rural areas without congregate summer feeding sites. This takes effect in summer 2023.
    - States will be responsible for identifying areas with no congregate meal service that might benefit from the non-congregate option and encouraging service institutions in those areas to provide non-congregate meals.
  - The bill newly allows Indian Tribal Organizations to administer the Summer Food Service Program.



- For summer 2023, states must notify USDA of their plans to implement non-congregate feeding options no later than April 1, 2023. For Pandemic-EBT, states are now allowed to submit a plan for summer operations separate from their school-year plan.
- Beginning in summer 2024, states will need to notify USDA by Jan. 1 of each year of their intent to participate in non-congregate meal service and Summer EBT, and must submit a management and administration plan by Feb. 15.
- USDA must issue regulations for these new provisions, including interim final rules, within one year of passage of this bill to ensure the integrity of the non-congregate option and to incorporate best practices and lessons learned from prior demonstration projects and the Pandemic EBT program.
- The bill lowers benefit levels for Pandemic EBT to \$120 in summer 2023—the last summer during which this temporary program is authorized to operate. After that, Pandemic EBT will sunset and USDA will transition to the new permanent Summer EBT program, which will begin in 2024.

### **The Emergency Food Assistance Program (TEFAP) and Commodities**

The bill provides:

- \$445.5 million to fully fund TEFAP food purchases as outlined in the 2018 Farm Bill. It remains an option for states to transfer up to 20% of TEFAP funds to be used for costs associated with the distribution of commodities.
- \$92 million in administrative funding for TEFAP storage and distribution.
- \$162 million for the Food Distribution Program on Indian Reservations (FDPIR).
- \$338.6 million for the Commodity Supplemental Food Program (CSFP).
- \$26 million for the Farmers' Market Nutrition Program.

### **Supplemental Nutrition Assistance Program (SNAP)**

- The bill provides \$153.9 billion in mandatory spending for SNAP, including \$3 billion for the SNAP reserve fund, which will serve more than 43 million people. This fully funds participation and supports:
  - \$5.7 billion for state administrative costs.
  - \$506 million for Nutrition Education and Obesity Prevention Grants.
  - \$649.8 million for SNAP Employment and Training.
  - \$2.8 billion for nutrition assistance for Puerto Rico.



- \$3 million to continue to carry out demonstration projects authorized to allow Indian Tribal Organizations (ITOs), instead of USDA, to directly purchase commodities. The bill directs USDA to ensure participating tribes are allowed to include and purchase traditional foods.
- The bill provides new authority for USDA to replace SNAP benefits stolen through skimming or other fraudulent methods. This reimbursement applies to benefits stolen from Oct. 1, 2022, through Sept. 30, 2024. This allows the replacement of up to two months of benefits no more than twice per federal fiscal year per household. State agencies will be required to submit a plan to USDA for approval within 60 days of passage of this bill outlining how they plan to replace benefits stolen through skimming.
  - USDA must issue regulations, including an interim final rule, no later than Dec. 1, 2023, to require state agencies to implement a process for the replacement of benefits.
- The bill sunsets SNAP Emergency Allotments at the end of February 2023 instead of continuing (in states that would have chosen to do so) as long as the COVID-19 public health emergency is in place.
- The agreement outlines additional administrative opportunities for USDA.
  - It provides support for the full implementation of the National Accuracy Clearinghouse (NAC). The agreement encourages USDA to use data analytics and public data to determine the correct state to issue SNAP benefits, and directs USDA to ensure SNAP recipients are not automatically removed from receiving benefits.
  - It directs the USDA Food and Nutrition Service (FNS) to submit a report on steps taken to address food insecurity in military communities, including efforts to identify individuals who are eligible for food assistance, outreach efforts on military bases and resources available to military families.

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

- The bill provides \$28.5 billion to fully fund continued operations of all child nutrition programs. This funding will support more than 5.2 billion school lunches and snacks. This funding also supports:
  - \$40 million for the Summer EBT program.
  - \$30 million for school kitchen equipment grants.
  - \$14 million for Farm-to-School grants.
  - \$3 million for school breakfast expansion grants.



- The bill provides \$6 billion in discretionary funding for WIC, including support to extend the benefits increase for fruits and vegetables in the WIC Food Package. It also includes authority for USDA to continue the Cash Value Voucher. In fiscal year 2023, WIC will serve an estimated 6.2 million women, infants and children. This funding also supports:
  - \$90 million for breastfeeding peer counselors.
  - \$14 million for WIC infrastructure grants to streamline WIC services, deliver quality nutrition education to WIC participants, and improve customer service.
- The bill provides \$4.7 million for the Child and Adult Care Food Program (CACFP).
- The agreement outlines additional administrative opportunities for USDA.
  - It directs USDA to determine ways to streamline the application process for SFSP and CACFP, and to consider allowing organizations in good standing for three years to file only one application to administer both programs each year. USDA must also submit a report on this topic.
  - It encourages FNS to explore third-party options for delivering CACFP meals and snacks in a non-congregate setting, especially in school districts with higher poverty rates.



## **Other Provisions**

The Consolidated Appropriations Act, 2023 also provides funding for the following programs and initiatives.

- More than \$53 million in community projects (commonly known as earmarks) secured by over 30 food banks to address hunger and food insecurity.
- \$2 million for the Department of Health and Human Services (HHS) to establish a food as medicine pilot program—an integrative model for health care that addresses food insecurity, social isolation and chronic disease to advance health and racial equity. The model must include the following, as defined by the secretary of Health and Human Services: a prescription of healthy produce; clinical nutrition training for health care providers; and nutritional and behavioral support for patients to integrate food interventions into daily habits.
- \$2 million for HHS to fund Farm-to-School research and education activities promoting healthy eating habits for students, focusing on early childhood programs
- \$1.1 billion for Older Americans Act senior nutrition programs, including:
  - \$540 million for congregate meals.
  - \$366.3 million for home-delivered meals.
  - \$160.1 million for the Nutrition Service Incentive Program.
- \$26.3 million for Older Americans Act preventive health services.
- \$2 million for the Congressional Hunger Center.
- \$1.7 billion for the Social Services Block Grant (SSBG).
- \$8 billion for the Child Care and Development Block Grant (CCDBG).
- \$3.3 billion for the Community Development Block Grant (CDBG).

