COMMITTEE: HEALTH AND HUMAN SERVICES

POLICY: NUTRITION PROGRAMS AND ASSISTANCE

TYPE: DIRECTIVE

The National Conference of State Legislatures (NCSL) supports the state-federal partnership to provide nutrition assistance to those in need. State legislators are concerned about the vast numbers of hungry individuals, and particularly the severity of hunger among childhood and aging populations. The Supplemental Nutrition Assistance Program (SNAP) Emergency Food Assistance, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), and Child Nutrition programs alleviate and prevent hunger and enable families to improve their health and be more productive at school and at work.

SNAP: Supplemental Nutrition Assistance Program/Food Stamps

NCSL urges continued federal funding of the SNAP program at levels sufficient to provide assistance to all that are eligible or in need due to the rising cost of food. NCSL also urges the administration and Congress to continue to make SNAP and Temporary Assistance to Needy Families (TANF) block grants more compatible. In times of economic hardship, SNAP, along with other nutrition assistance programs, offers a vital safety net for low-income Americans.

NCSL opposes proposals that would impose costly administrative burdens and unfunded mandates on state governments, or remove state flexibility that is critical to cost-effective administration of SNAP.

NCSL supports U.S. Department of Agriculture (USDA) initiatives to provide administrative flexibility through the waiver process by allowing states to implement administrative efficiencies such as telephone interviews, utilize Combined Application projects, and develop partnerships with community stakeholder organizations to improve quality, efficiencies, and overall nutrition access.
SNAP Benefits and Program Design

NCSL recommends that the administration and Congress incorporate the following issues regarding SNAP benefits and program access into future legislative and regulatory action:

1. Elimination of the annually indexed caps on excess shelter deductions to allow families to deduct high shelter costs;

2. Adoption of the formula that each October sets the benefits for food price inflation to reflect the Thrifty Food Plan for the previous June;

3. Exclusion of the first $150 a month by a non-custodial parent paid as child support from consideration as income in determining the SNAP allotment;

4. Reevaluation of the rules concerning the value of a vehicle that a recipient may own and still receive SNAP benefits;

5. Federal support and technical assistance for state outreach;

6. Enhancement and simplification of application and eligibility determination procedures through supporting Web-based screening tools, permitting seniors and the disabled to apply at Social Security offices, and allowing use of joint applications;

7. Continuation of state options regarding child support cooperation as a condition of eligibility for SNAP. NCSL supports the elimination of the fee for SNAP recipients’ child support collection efforts as a further incentive toward child support enforcement participation.

8. Continuation of state options to disqualify for SNAP eligible individuals who fail to cooperate with child support enforcement authorities or who are in arrears on child support obligation. NCSL supports this option and opposes changes that would mandate these actions.
9. permit the promotion and acceptance of SNAP at farmers’ markets and other non-grocery store, produce-oriented venues, for example: from a small farmer; and

10. Continue to support current state options regarding categorical eligibility and "heat and eat."

**SNAP and Legal Immigrants**

NCSL supports SNAP eligibility for legal immigrant children and families. NCSL commends USDA’s outreach efforts to assist eligible legal immigrants, including their work to translate materials into more than 34 languages. NCSL continues to support restoring eligibility to the small number of legal immigrants who were not covered under previous restoration. NCSL urges the administration and Congress to include state lawmakers in making decisions that would alter the eligibility status for any category of immigrants legally present in the United States.

**SNAP Employment and Training Program (SNAP E&T)**

NCSL supports the objectives of self-sufficiency promoted by the SNAP Employment and Training program (SNAP E&T), and will work with the federal government toward that goal. NCSL urges the administration and Congress to allow states flexibility to create, fund, and integrate SNAP E&T programs with similar state programs, particularly TANF and the Workforce Innovation and Opportunity Act (WIOA). NCSL also supports program simplification and coordination between TANF and the SNAP

In addition, NCSL appreciates the USDA’s willingness to grant states waivers of the three-month rule in areas impacted by high unemployment and USDA’s technical assistance to states.

**SNAP Program Quality Control (QC)/Judicial Waiver**

NCSL supports the original intent of quality control, which is to provide states with a management tool to identify problems in public assistance administration and to facilitate corrective actions. However, many problems in the current system have been
documented, including statistical flaws and the levying of excessive financial penalties on states. NCSL strongly supports the move away from a system based on error rates to one that awards bonuses for accuracy. NCSL urges the federal government to improve systems related to appeals of waiver decisions and reinvestment of claims, including outcome measures of program goals.

NCSL supports efforts to focus on program measurement and evaluation through positive incentives and urges Congress to reexamine funding levels. State legislators urge the USDA to continue to settle QC claims through state reinvestment in program improvement.

**Electronic Benefit Transfer and Automated Systems (EBT)**

NCSL supports the regulation establishing the implementation of EBT systems as a normal administrative option for states, and supports the widespread interest and planning for SNAP EBT implementation nationwide and allowing cards to be used for multiple programs.

NCSL believes that states should be allowed to negotiate the terms of EBT with food marketers, farmers’ markets, and financial institutions. NCSL opposes preemption of state laws that govern financial institutions pertaining to a nationwide EBT system. As additional income support programs are added to EBT systems that are state-only or state-federally governed, the federal government must not preempt state benefits law.

NCSL is concerned about the overestimation of savings by EBT systems. Currently, the federal government recoups savings by eliminating the creation, handling, and storage of paper coupons and through fraud reduction. NCSL discourages the federal government from over-promising savings to the states, especially those from fraud reduction, and urges further study of the impact of EBT on states. Many of the current systems are obsolete and barriers remain for states to combine their information systems across programs to increase efficiency of program delivery. This is especially problematic given current state fiscal conditions. NCSL also encourages the administration and Congress to continue initiatives around summer feeding and EBT to
secure a permanent summer EBT program, including adding monthly funding to family’s 
EBT cards and including funding for state startup costs.

**SNAP Program Flexibility and Waivers**

NCSL believes that the federal waiver process should recognize state participation and 
need. States need flexibility for further innovation and state legislators prefer to have 
options rather than waivers for policy changes that are not in need of further evaluation. 
State legislators need to be included in the waiver process prior to a waiver being 
granted. Plan approval and the results of demonstration grants should be shared with 
state legislators.

**Emergency Food Assistance and Commodity Distribution**

NCSL urges Congress to fully fund The Emergency Food Assistance Program (TEFAP) 
at its authorized level. NCSL believes that Congress should provide adequate 
administrative funds to facilitate the efficient distribution of food, and should include 
sufficient safeguards to prevent program abuse. NCSL urges the USDA to make 
additional surplus commodities available to states, upon request, when additional 
surplus food becomes available. We also urge the USDA to provide administrative 
funding support for sorting, packaging, processing, and transporting donated food. 
NCSL supports federal programs that deliver commodities through farmers’ markets 
and the child nutrition commodity programs.

**Child Nutrition**

NCSL urges Congress to reauthorize legislation to continue and fully fund child nutrition 
programs. NCSL urges the USDA to emphasize the importance of nutritionally-
appropriate foods, and avoiding those high in sugar, fat, and sodium.

Accurate eligibility determination is important in any federal program, but efforts to 
ensure that only eligible children are served must not be a deterrent to program 
participation. NCSL supports the USDA’s proposal to create a pilot program for school
districts to provide more nutritious alternatives that would allow experimentation without risk of financial loss to those schools.

WIC

NCSL supports the objectives of the WIC program to educate and inform participants with the best sources of nutrition to reduce the incidence of low birth weight, improve infant nutrition in the first year of life, and to improve the health of participants. NCSL encourages the administration and Congress to ensure time processing and approving applications for WIC applicants to be flexible and ensure continued financial support to maximize WIC coverage for women, infants, and children in need.

NCSL supports congressional efforts to improve program administration by authorizing limited borrowing between fiscal years for the WIC program, and by requiring the timely apportionment of WIC funds to the states. NCSL supports funding to allow technological improvements to WIC and to allow the implementation of WIC EBT.

School Breakfast and Lunch Programs

NCSL strongly supports the National School Lunch Program (NSLP) and the School Breakfast Programs (SBP) as critically important to the well-being, education, and self-sufficiency of young children. State legislators oppose the elimination of cash subsidies to schools for moderate- and high-income children under the provisions of the school lunch and school breakfast programs. Additionally, NCSL encourages more flexibility for community eligibility provisions (CEP), which help reduce paperwork for parents and schools with a high percentage of eligible students.

The provision of federally-funded start-up grants would enable many schools with large numbers of low-income children to initiate the school breakfast program. NCSL recommends that a study be conducted that would consider alternative financing scenarios that would retain program consistency. NCSL urges the USDA to emphasize nutritionally-appropriate foods.
Summer Food Service Program for Children (SFSPC)

NCSL supports SFSPC and the restoration of meal reimbursement rates that allow low-income children to receive a nutritious lunch in the summer. NCSL supports policies that will make it easier for non-profit community groups and public entities to sponsor the program, and will allow the program to be available in more neighborhoods and rural areas.

Child and Adult Care Food Program (CACFP)

NCSL supports flexibility to allow seniors to transport uneaten food they receive while participating in the Child and Adult Care Food Program (CACFP). Proposals to eliminate or reduce this program ignore its valuable contribution to the expansion of child care and reduction of childhood hunger.

NCSL strongly supports efforts to expand CACFP to older children in after-school programs, and to ensure that the program is available in more neighborhoods and rural areas. Additionally, NCSL supports state options to expand this critical program to suppers in after-school programs.

Combating Childhood and Adult Obesity

NCSL supports federal efforts to find solutions for childhood and adult obesity without imposing mandates. NCSL urges Congress to fully fund these programs and supports a proposal to fund a pilot program for the states with the greatest incidence of childhood and adult obesity to develop policies and procedures to reduce obesity.

NCSL encourages Congress to establish a taskforce to study obesity and co-morbidities of SNAP recipients in high-risk, high-disparity populations. The taskforce should make recommendations that reduce the incidence of disease triggered by malnutrition, including policy reforms to SNAP that incentivize recipients to select foods with high nutritional value.
Nutritional Quality Measures for Older Adults

NCSL supports the quality measures used by the Centers for Medicare and Medicaid Services (CMS) to quantify health care processes, outcomes, patient perceptions, and systems that are associated with the ability to provide quality health care and/or that relate to “quality goals” for health care. These Medicare clinical quality measures are used to improve facilities’ treatment of patients, yet currently no quality measures have been adopted to address malnutrition.

NCSL also supports establishing malnutrition care as a measure of quality health care. NCSL urges the administration and Congress to support state efforts to reduce malnutrition in the elderly and heighten awareness of nutrition in elderly communities.

In 2016, CMS introduced four electronic clinical quality measures that would cover screening for malnutrition, assessment of those screened as at-risk for malnutrition, diagnosis of malnutrition, and creation of a nutrition care plan. NCSL urges CMS to adopt quality measures on malnutrition to heighten the importance of identification, evaluation, and treatment of malnutrition in the elderly.