



NOVEMBER 2022

The 2023 Farm Bill: FBLE Recommendations Overview

The Farm Bill Law Enterprise

The Farm Bill Law Enterprise (FBLE) is a national partnership of law school programs working toward a farm bill that reflects the long-term needs of our society, including economic opportunity and stability; public health and nutrition; climate change mitigation and adaptation; public resources stewardship; and racial and socioeconomic justice. We strive to advance justice and equity in accomplishing each of these goals. We accomplish our mission through joint research, analysis, and advocacy and by drawing on the experience of our members, collaboratively building deeper knowledge, and equipping the next generation of legal practitioners to engage with the farm bill.

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



Introduction



FBLE undertook a multi-year process to study the farm bill and identify legislative opportunities to advance shared public values in response to the challenges we face in addressing the climate crisis, strengthening the U.S. food system, advancing equity and racial justice for farmers and food system workers, stabilizing the food sector economy, and improving access to nutritious food.

Over 2022, FBLE published five full-length, substantive Reports offering recommendations across five areas:

- [**Climate & Conservation**](#)
- [**Equity in Agricultural Production & Governance**](#)
- [**Farm Viability**](#)
- [**Farmworkers**](#)
- [**Food Access & Nutrition**](#)

This document provides an overview of FBLE's 2023 Farm Bill recommendations, which represent an early attempt to infuse policy ideas into the next farm bill conversation. More detailed recommendations, as well as specific legislative actions that will further their implementation, can be found in each of FBLE's [**2023 Farm Bill Reports**](#).

Climate & Conservation

While many conventional agricultural practices contribute to greenhouse gas emissions—such as nitrous oxide from fertilizer application and methane from livestock production—and pollute our soil, air, and waterways, many farms have adopted and many more can transition to more sustainable practices and can, instead of contributing to climate change, actually mitigate it. Indeed, many existing programs can be refined and optimized to ensure that the U.S. agricultural and forestry sectors protect and enhance our shared environment for generations to come. Through USDA’s conservation programs and incentives, forest management and reforestation programs, investments in research and development on carbon sequestration, and stronger stewardship of public investments in farm support programs, Congress can help U.S. agriculture realize its potential to reach net zero, or even negative, carbon emissions.



Goal I: Maximize the Climate & Conservation Impacts of Existing USDA Programs

Working lands programs like the Environmental Quality Incentives Program (EQIP) and the Conservation Stewardship Program (CSP) provide financial and technical assistance to producers adopting conservation practices on land in production. Despite their potential role in mitigating climate change, these programs currently fall short. In the next farm bill, Congress should leverage these programs to amplify their mitigation potential.

Priority: Use Working Lands Programs to Advance Climate-Friendly Agriculture

Congress should make CSP the foundation for a new Climate Change Mitigation Program that focuses on whole-farm carbon sequestration effort, and by better targeting EQIP dollars at climate-friendly practices.

ADDITIONAL RECOMMENDATIONS

- Invest in conservation technical assistance
- Reduce conservation program support for CAFOs
- Promote equity in working lands programs
- Make the Conservation Reserve Program a stronger tool for climate change mitigation
- Expand the Agricultural Conservation Easements Program - Agricultural Land Easements
- Use crop insurance subsidies to incentivize environmental stewardship practices
- Increase support for diverse production systems through Whole-Farm Revenue Protection



Goal II: Promote Carbon Sequestration and Wildfire Resilience in Forests

Many organizations that are interested in offsetting their carbon footprint often turn to forestry programs as a reliable, cost-efficient offset. Despite their critical role in the environment, many forests, both public and private, are threatened by wildfires due to increasingly dry conditions and poor forest management. The 2023 Farm Bill provides an important opportunity to protect forests and facilitate carbon sequestration.

Priority: Protect the Ability of Forests to Sequester Carbon

Forest carbon sequestration, which is the process by which carbon dioxide is removed from the atmosphere and stored by forests, is an essential tool to mitigate climate change. Congress should make carbon sequestration a central tenet of the existing Forest Legacy Program (FLP), which provides a mechanism for protecting this private land through conservation easements or land purchases.

ADDITIONAL RECOMMENDATIONS

- Focus Wood Innovations Program on the development of durable wood products and stop funding wood energy systems
- Increase resilience of forests to wildfires and other threats



Goal III: Develop and Invest in Strategies to Increase Carbon Sequestration in Agriculture

Because forests, grasslands, perennial vegetation, and soils act as carbon sinks that remove carbon dioxide from the atmosphere, our nation's producers can help mitigate climate change by implementing practices that promote carbon sequestration and reduce emissions.

Priority: Support the Widespread Adoption of Perennial Agricultural Practices.

Perennial agriculture, which refers to the production of crops that live for several years, can play a substantial role in greatly reducing agriculture's impact on climate change, while also providing additional environmental and social benefits. Congress should spearhead a system-level shift by directing USDA to develop a department-wide strategy to support the transition of U.S. agriculture away from being an annual crop-based system to one in which perennial agriculture is prevalent. Agroforestry, in particular, warrants increased investment and support systems.

ADDITIONAL RECOMMENDATIONS

- Support the development and dissemination of information needed for a robust, reliable market in agricultural carbon offsets
- Institutionalize USDA's climate hubs and broaden their impact
- Preserve, expand, and improve the Livestock Indemnity Program



Goal IV: Reform Conservation Compliance to Secure Public Investments

Millions of acres of agricultural land are enrolled in commodity support and crop insurance programs, with producers receiving billions of dollars of public funding to support their operations. To maintain eligibility for these programs, producers must comply with certain conservation standards. However, current "conservation compliance" requirements fall short in safeguarding the country's natural resources, both in their scope and in enforcement.

Priority: Use Conservation Compliance to Promote Climate-Friendly Farming on All Farms Receiving Government Support

Congress should require that all farmers receiving taxpayer support implement several practices that aim to advance natural resource conservation or climate change mitigation.

ADDITIONAL RECOMMENDATIONS

- Reform highly erodible land standards to better protect the nation's soils
- Strengthen wetland protections and protect watersheds
- Improve conservation compliance enforcement
- Bring transparency to conservation compliance

For more details and justifications in support of these recommendations, please see FBLE's [Climate & Conservation Report](#) on our [2023 Farm Bill](#) page.



Equity in Agricultural Production & Governance

The U.S. agricultural industry and its governance structures were born as some of the most unjust, oppressive, and racially exclusive systems in the United States. Despite progress, systemically marginalized producers continue to face barriers to credit and land access. Further, many find themselves operating at a deficit relative to their white counterparts due to decades of disinvestment and exclusion from farm support programs. Disproportionate investments in land-grant educational institutions and delegations of power to local county committees have exacerbated these inequities. The 2023 Farm Bill provides an opportunity to address these disparities and pave the way for a vibrant agricultural sector of equitable opportunities for all.



Goal I: Address Discrimination and Advance Equity Across USDA

USDA’s programs and governance structures have continued to fall short on the promise of remediating discrimination and meaningfully advancing equity in agriculture. Changing this course demands intentional, comprehensive, and well-resourced actions across USDA’s programs and governance structures to make equity a realizable goal.

Priority: Build Upon, Extend, and Codify the Reforms Begun Through the Equity Commission and the Equity Action Plan

Congress should extend the charter of the recently-established Equity Commission and consider creating a permanent body for ongoing promotion of racial equity at USDA. It should also dedicate mandatory funds to sustain the various organizational partnerships into which USDA has entered, thanks to appropriations from the American Rescue Plan Act, to better serve systemically marginalized producers.

ADDITIONAL RECOMMENDATIONS

- Strengthen USDA’s programmatic offerings for systematically marginalized producers
- Enact changes to better support Native American farmers and ranchers
- Incorporate a commitment to equity throughout USDA entities and policies
- Collect demographic data to ensure accountability for equity reforms

Cross-Cutting Recommendation: Establish Citizen Suit Provisions to Hold USDA Accountable for Implementing Mandatory Programs

To address USDA inaction on farm bill directives and empower stakeholders, Congress should incorporate one or more citizen suit provisions in the next farm bill. Other federal laws have such rights of action, providing precedent and potential models for this accountability mechanism.



Goal II: Mitigate Loss of Heirs’ Property

Heirs’ property results when land is passed between generations without clear title, often where no formal will has been established. Some have estimated that 40 to 60% of Black-owned land is owned as heirs’ property. Although the 2018 Farm Bill made some strides in addressing the issue, the next farm bill can build on that momentum and resolve remaining gaps.

Priority: Create a New Program to Complement the Heirs’ Property Relending Program.

The Heirs’ Property Relending Program (HPRP), authorized in the 2018 Farm Bill, presents practical challenges for some families; given historic and current discrimination, many will face financial barriers to obtaining credit and assuming new debt. To support those not in a position to take on loans, Congress should establish a complementary program that offers grants of financial and technical assistance to qualifying owners.

ADDITIONAL RECOMMENDATIONS

- Build programmatic infrastructure to support heirs' property owners
- Protect heirs' property through conservation programs



Goal III: Facilitate Farmland and Ranchland Transitions to Systemically Marginalized and Beginning Producers

The inflated costs of acquiring agricultural land result in that land, if ever sold, being most accessible to wealthy buyers and investors, effectively locking undercapitalized systemically marginalized and beginning farmers seeking land out of the market.

Priority: Establish the Commission on Farm Transitions - Needs for 2050

To better understand how and to whom land will be transferred, and to identify policies that ensure viable agricultural land is accessible to a new generation of producers, Congress authorized a *Commission on Farm Transitions—Needs for 2050* in 2018, but it has yet to be established. Congress should expand the Commission's scope of study to include special emphasis on and specific objectives concerning systemically marginalized and beginning producers. Congress should also require the Commission to hear and consider perspectives from diverse stakeholders as it conducts research for its report, the submission deadline of which should be extended to account for the delay and expanded scope of inquiry.

ADDITIONAL RECOMMENDATIONS

- Use tax exclusions to promote land transfers to systemically marginalized and beginning producers
- Leverage buy-protect-sell to facilitate land access



Goal IV: Increase Accessibility and Affordability of Agricultural Credit for Systemically Marginalized and Beginning Producers

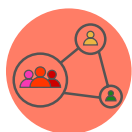
Access to credit is particularly important to systemically marginalized and beginning producers, who rarely have sufficient cash on hand to purchase land, equipment, or to cover other agriculture-related expenses.

Priority: Reform FSA Loan Programs to Better Serve Systemically Marginalized and Beginning Producers

Congress should authorize FSA to offer loan pre-approval for its borrowers, adjust FSA direct loan limits with regional inflation, and eliminate FSA loan utilization terms that cut off farmers from what may be their only affordable credit option. These changes will better equip producers unable to access commercial credit to build their enterprise and begin or continue farming.

ADDITIONAL RECOMMENDATIONS

- Introduce new loan program features targeted to redressing the effects of discrimination
- Tie debt relief to climate and conservation objectives



Goal V: Reinvent the County Committee System of Local Agriculture Governance

To help administer its programs USDA relies on county committees of farmers who are elected to oversee local implementation. Despite their original purpose, there is no clear picture of how these more than 2,000 committees operate today. Further, there have been damning criticisms of the committees based on, among other things, their racism and the fact that they are unknown even within some farming communities.

Priority: Begin a Transition Away from the Committee System

The abuse and distrust run too deep to redeem the County Committee System. In order to repeal and replace the system, which FBLE recommends, Congress should require a specific and limited study to better understand committee functions. Congress should shift County Committees to an Interim Appointed Structure as this study takes place.



Goal VI: Empower 1890 and 1994 Land-Grant Universities

The most well-funded land-grant institutions are still predominantly white 1862 Institutions, which benefitted from receiving stolen land, early capital injections, and exclusive access to research and extension funds for many years. For decades, there has been an unabated call, largely unanswered, from students and faculty at 1890 and 1994 Institutions for more equitable funding.

Priority: Secure Equitable Funding to 1890 and 1994 Land-Grant Institutions

Building on 2018 changes, Congress should further improve the state funding waiver structure to ensure states provide resources to 1862 and 1890 Institutions in an equitable manner. Congress should also provide direct endowment funding to minority-serving land-grant institutions, mirroring the early investment provided to the first generation 1862 Institutions.

ADDITIONAL RECOMMENDATIONS

- Capitalize on expertise in the Cooperative Extension Programs

For more details and justifications in support of these recommendations, please see FBLE's [Equity in Agricultural Production & Governance](#) Report on our [2023 Farm Bill](#) page.

Farm Viability

The farm bill presents a unique opportunity to promote a healthy agricultural sector and offer support to producers, particularly small and mid-sized farms. Small and mid-sized farms undergird a robust and sustainable agricultural economy and contribute significantly to the economic vitality of rural communities. However, the number of these farms has declined over the past few decades, and the principal operators of smaller farms can rarely earn a living from farming alone. Structural changes in U.S. agriculture have shifted the benefits of farm bill programs toward fewer, larger operations. The consolidation of agricultural production, wealth, land, and federal support has handicapped smaller farms. The next farm bill should enhance the viability of small and mid-sized farms by addressing the barriers impeding a more diverse and robust rural economy.



Goal I: Bolster Farm Support Mechanisms to Help Small and Mid-Sized Farms Thrive

The USDA and its agencies administer programs that target support for, or particularly benefit, small and mid-sized farms; however, current programs are insufficient to level the playing field between small and mid-sized producers and large, consolidated farms.

Priority: Expand and Improve Whole-Farm Revenue Protection Crop Insurance

Comprehensive and affordable crop insurance can help small and mid-sized farms weather downturns and bad harvest years. Congress should increase the accessibility of Whole Farm Revenue Protection (WFRP) for small and mid-sized farms, which could lead to more crop diversity, less systemic risk, and help preserve small and mid-sized farms and attract new farmers.

ADDITIONAL RECOMMENDATIONS

- Leverage farm incubator programs to support beginning farmers and ranchers
- Increase access to funding for organic certification
- Increase access to regional slaughterhouse and processing facilities for small-scale meat and poultry producers



Goal II: Strengthen Local and Regional Food Systems and Market Opportunities

Small and mid-sized producers, beginning farmers and ranchers, specialty crop producers, urban farmers, and independent meat producers can struggle to reach intermediated markets. Even when they are able to access such markets, their unequal bargaining power and low prevailing market rates can force them to sell at prices below the cost of production.

Priority: Support the Connection of Small and Midsized Farmers to Local and Regional Market Opportunities

The Local Agriculture Market Program (LAMP) and Specialty Crop Block Grant Program (SCBGP) help farmers overcome barriers to accessing and cultivating local market opportunities. Both programs have been successful and demand for the programs is high. Congress should increase mandatory funding for these programs to meet demand, which will boost regional food systems and expand local market opportunities.

ADDITIONAL RECOMMENDATIONS

- Support the development of state food system plans
- Improve support for urban agriculture



Goal III: Reform Farm Safety Net Programs to Promote Fair Competition

The farm bill's commodity and crop insurance programs effectively guarantee income levels of participating producers, either through direct payments to producers in certain circumstances or in the form of subsidized crop insurance premiums. These programs disproportionately benefit the largest and wealthiest farms.

Priority: Reform Commodity Programs to Direct Public Dollars Toward Farms and Farmers in Genuine Need of Support

Producers with land historically planted with named commodity crops can enroll in commodity programs—such as Price Loss Coverage (PLC) and Agricultural Risk Coverage (ARC)—that provide payments when the market price for a commodity falls below a statutory “reference price.” PLC and ARC primarily support large industrial monoculture farms. Congress should redirect this significant investment towards small- and mid-sized producers by making changes like lowering the AGI cap for commodity programs, decreasing the percentage of base acres eligible for payments, and closing loopholes in the “actively engaged in farming” standard.

ADDITIONAL RECOMMENDATIONS

- Reduce government subsidization of inflated profits through crop insurance
- Introduce tiered means testing to subsidized crop insurance



Goal IV: Strengthen Antitrust Enforcement Authority to Address Consolidation in the Agricultural Industry

Consolidation and concentration have dramatically spiked among agricultural businesses, with devastating effect on small and mid-sized farms and livestock producers. Though the Packers and Stockyards Act (PSA) governs competition in the marketing of livestock, meat, and poultry, enforcement has been notably weak.

Priority: Provide for Full Enforcement of the PSA

Congress should clarify the requirements for producers seeking recourse under the law and expand USDA's authorized enforcement mechanisms. USDA should repeal and replace the current undue preference violation criteria that protects packers and return PSA enforcement to a standalone agency in USDA.

ADDITIONAL RECOMMENDATIONS

- Strengthen antitrust enforcement under the Clayton Act to prevent further anticompetitive mergers and acquisitions

For more details and justifications in support of these recommendations, please see FBLE's [Farm Viability Report](#) on our [2023 Farm Bill](#) page.



Farmworkers

The agricultural workforce is the backbone of the U.S. food industry and a core constituency in agricultural policy. Yet, the country's primary legislative package targeting the agricultural sector principally serves farm owners and operators. These essential workers face precarious economic circumstances and inhumane working conditions that federal and state laws frequently fail to address. The farm bill is an opportunity for Congress to end exploitative work arrangements in the agricultural sector and shape a system that reflects the interests of both workers and producers. Furthermore, investment in farmworkers and other food system workers will contribute to economic growth and revitalization of rural communities, another key farm bill constituency.



Goal I: Provide Workers a Pathway to Authorized Work & Residency Status

U.S. agriculture is unquestionably reliant on the labor of immigrants and their descendants. Although not a traditional, or jurisdictional, subject of the farm bill, comprehensive immigration reform is critical to providing a stable agricultural labor force and for ensuring that farmworkers are empowered to enforce their rights and advance their careers in the agricultural sector.

Priority: Undertake Comprehensive Immigration Reform

U.S. agriculture relies on the hard work of immigrants and their descendants, but current immigration policy disserves farmworkers by legitimating exploitative labor practices. Congress should develop a clear timeline and process for farmworkers who are interested to gain permanent residency and citizenship, establish an immediate legal status for undocumented farmworkers, and limit expansion of the H-2A visa program.



Goal II: Open the Farm Bill Process to Address Policies Affecting Farmworkers

While the farm bill historically excludes farmworkers, Congress has an opportunity to recognize this essential component of our food system as it drafts legislation with the greatest impact on the agricultural sector. House and Senate policymakers could use parliamentary procedure to reach an accord that permits insertion of extra-jurisdictional provisions into the final bill. Alternatively, to avoid jurisdictional pitfalls, Congress could consider and separately enact parallel legislation modifying employment, labor, and immigration laws alongside the farm bill.

Priority: Eliminate Agricultural Exemptions from Worker Protection Laws

Many statutes that establish workers' rights and protections expressly exempt farmworkers. These exclusions are rooted in a history of racism and xenophobia that it is past time for Congress to formally disavow. Congress must extend overtime wages to farmworkers and minimum wages to workers on all farms, irrespective of size. Additionally, Congress should reinstate the Occupational Safety and Health Administration's authority to enforce worker safety and health protections on all farms; the current enforcement restriction for small farms leaves more than 1 million workers unprotected.

ADDITIONAL RECOMMENDATIONS

- If a heat illness standard has not yet been finalized, enact the Asunción Valdivia Heat Illness and Fatality Prevention Act
- Secure farmworkers' rights to bargain collectively
- Increase funding, personnel, and strategic enforcement to support Department of Labor enforcement activities; pilot public-private partnerships for additional support
- Establish a temporary, forgivable loan fund for low-income farmers transitioning to better employment practices



Goal III: Retool USDA to Serve Farmworkers

USDA has historically served the interests of producers through its initiatives and programs—farmers can rely on support from USDA on multiple fronts, including through guidance, training, research, education, and financial support. Farmworkers should also be able to turn to USDA for support when they similarly face challenges or seek to advance their careers or circumstances.

Priority: Enhance Role and Impact of USDA’s Farmworker Coordinator

The Farmworker Coordinator role requires more resources and an expanded mandate to effectively advocate for farmworkers and respond to farmworkers’ needs. The position should be elevated to Director of a fully staffed office that executes the Coordinator’s broadened mandate. Congress should require USDA to issue a strategic plan for addressing identified gaps in services and outcomes for farmworkers and fulfilling the Coordinator’s mandate.

ADDITIONAL RECOMMENDATIONS

- Expand USDA’s emergency & disaster relief authorities to support farmworkers
- Support advancement opportunities for farmworkers, particularly through capacity building on farmworker identified priorities
- Specifically support farmworker access to mental health services
- Increase USDA’s role in pesticide oversight
- Increase USDA’s farmworker-focused research
- Commit to and coordinate collection and publication of key data



Goal IV: Leverage Federal Support for Producers to Curb Worker Exploitation and Incentivize Best Practices.

Farms that hire farmworkers (direct or contracted) often rely on USDA resources to support their businesses. Since public dollars fund these activities, USDA should only financially support businesses that, at a minimum, abide by the nation’s labor laws.

Priority: Restrict Payments and Subsidies for Producers that Repeatedly Violate Worker Protection Laws

Congress already restricts USDA’s investments by limiting eligibility to producers who certify compliance with baseline conservation standards. Congress should similarly condition receipt of USDA support on certification that producers are in compliance with all relevant employment laws. Restrictions on funding could be imposed on employers with a track record of repeatedly violating the law.

ADDITIONAL RECOMMENDATIONS

- Use USDA’s procurement authority to promote fair labor practices



Goal V: Support Growth of Worker Cooperatives in the Agricultural Sector

While much has been made of the aging farmer population and loss of farmland to development, a key group of highly skilled, committed and ambitious future farm owners has been overlooked in designing incentives for aspiring farmers: farmworkers. Cooperative businesses run by farmworkers could provide a model for farmworker ownership, as many farmworkers are unlikely to have the resources necessary to purchase farms and businesses alone.

Priority: Leverage Rural Development Grants to Support Worker Cooperatives

Cooperative businesses run by farmworkers could provide a model for farmworker ownership. Congress should offer additional funding and direction to expand support and technical assistance for worker cooperatives through the Rural Cooperative Development Grant, Socially Disadvantaged Group Grant, and Rural Business Development Grant programs.

ADDITIONAL RECOMMENDATIONS

- Establish worker cooperative transition opportunities in Farm Service Agency programs
- Amplify worker cooperatives in other federal initiatives, such as the Interagency Working

Group on Cooperative Development, USDA's new Office of Urban Agriculture and Innovative Production, and the Economic Census and the Census of Agriculture

For more details and justifications in support of these recommendations, please see FBLE's [Farmworkers Report](#) on our [2023 Farm Bill](#) page.



Food Access & Nutrition

More than 40 million U.S. residents face the realities of food insecurity each day, despite the country's status as the world's leading food producer. The farm bill provides crucial tools that help combat food insecurity. The Nutrition Title—which accounted for over three-quarters of all outlays in the last farm bill, passed in 2018—includes food access programs, such as the Supplemental Nutritional Assistance

Program (SNAP), the nation's largest and most important anti-hunger food assistance program. The COVID-19 pandemic made these programs even more crucial for households across the country experiencing increased economic uncertainty. The next farm bill represents a vital opportunity for Congress to protect, expand, and improve SNAP to ensure that it is as efficient and wide-reaching as possible.



Goal I: Protect and Strengthen SNAP to Support Recipients' Food Security

SNAP plays a vital role in establishing and maintaining household food security; however, there are current gaps in the safety net that can be addressed through the 2023 Farm Bill.

Priority: Reauthorize SNAP and Expand Program Eligibility

Congress should ensure that SNAP reaches a greater number of households. Legislative solutions to expand program eligibility include eliminating time limits that restrict able-bodied adults without dependents' ability to stay on SNAP, the five-year waiting period for most immigrants to become eligible for SNAP and the federal ban on SNAP access for those with prior drug felony convictions.

ADDITIONAL RECOMMENDATIONS

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



Goal II: Improve the Overall SNAP Ecosystem and Program Administration to Promote Access for Both Retailers and Recipients

Administrative and technical challenges can limit the number of households receiving SNAP and can cause logistical challenges for both SNAP beneficiaries and retailers who seek to participate in the program. Administrative flexibilities allowed during the COVID-19 pandemic lightened the burden for both state employees and SNAP recipients. The 2023 Farm Bill presents an opportunity for Congress to build on those learnings and improve SNAP operations for recipients, retailers, and administrators.

Priority: Modernize and Improve SNAP Technology, Including SNAP Online and Payment Options

Congress should expand and improve SNAP Online, offer funding to pay for delivery fees, and modernize EBT payment methods to ensure that SNAP users have access to food and retail options comparable to non-SNAP consumers. Additionally, Congress should direct USDA to begin work on a full-scale mobile payment platform.

ADDITIONAL RECOMMENDATIONS

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



Goal III: Improve Public Health and Increase Access to Healthy, Nutritious Foods, Especially for Marginalized Populations

Diet is the leading contributor to premature death in the U.S., but diets associated with reduced risk for diet-related diseases cost an estimated \$1.50 more per day than less-healthy alternatives. As a result, low-income and marginalized communities are disproportionately impacted by poor health outcomes.

Priority: Strengthen Food Assistance Programs that Promote Healthy Choices Among SNAP Recipients

The Gus Schumacher Nutrition Incentive Program (GusNIP) offers grants for both nutrition incentives and produce prescription programs. Congress should use the next farm bill as an opportunity to integrate nutrition incentives as a core component of SNAP, available to every SNAP participant. If this approach is not adopted, Congress should take steps to expand access and remove barriers to the grants available under the program.

ADDITIONAL RECOMMENDATIONS

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



Goal IV: Strengthen Federal Disaster Response Related to Food Access and Build on Innovative Pandemic Relief Programs

The COVID-19 pandemic has shown the importance of Congressional action in setting the stage for swift and strong disaster assistance. While Congress passed a series of relief bills in 2020 and 2021 that expanded food access and nutrition benefits, administrative barriers often kept relief out of the hands of those who needed it most.

Priority: Strengthen Disaster Relief Food Access via Updates to Supplemental Benefits

In the wake of the COVID-19 pandemic, Congress authorized emergency SNAP allotments to expand benefits under the Families First Coronavirus Response Act of 2020 (FFCRA). Congress should make permanent procedures for disaster allotments and clarify protocols to ensure that the households most in need of support are not left out of future disaster responses.

ADDITIONAL RECOMMENDATIONS

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

For more details and justifications in support of these recommendations, please see FBLE's [Food Access & Nutrition Report](#) on our [2023 Farm Bill](#) page.

Acknowledgements

This Overview was drafted and prepared by Jessica Grubestic, Emily Murphy, and Emma Scott of the Harvard Law School Food Law and Policy Clinic, based on the material published in the five referenced FBLE 2023 Farm Bill Reports.

FBLE is grateful for the financial support of the GRACE Communications Foundation and Charles M. Haar Food and Health Law and Policy Fund.

Layout and design: Najeema Holas-Huggins



