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GENERAL MEMORANDUM 22-022

U.S. Department of Agriculture Initiates Tribal Consultation on Nutrition Programs

On Thursday, October 27, 2022, the U.S. Department of Agriculture (USDA) [wrote to Tribal Leaders](#) to initiate Tribal consultation on “five proposed rule revisions in the Food Distribution Program on Indian Reservations (FDPIR), Special Supplemental Nutrition Assistance Program for Women, Infants, and Children (WIC), Child Nutrition Programs (CNP), and Supplemental Nutrition Assistance Program (SNAP).” USDA will hold virtual consultation on Tuesday, November 8, 2022 from 12:30-4pm ET. Registration is available [here](#).

Specifically, the letter outlines the following rules that are included in the consultation:

- USDA is proposing to **Improve Access and Parity to nutrition programs** (including FDPIR) to make “access and parity improvements.” They would be amending regulatory provisions at 7 CFR Parts 250, 251, and 253.
- This rule would put into place provisions related to recently passed legislation - **the Access to Baby Formula Act of 2022** (ABFA, P.L. 117-129). It would “1) add requirements to State agency infant formula cost containment contracts and 2) establish waiver authority for the Secretary of Agriculture to address certain emergencies, disasters, and supply chain disruptions impacting the WIC Program.”
- USDA would also revise **school meal nutrition** standards after a review of the *Dietary Guidelines for Americans, 2020-2025*. It would also address Buy American provisions for school meal programs and make “a variety of other changes to school meal requirements.”
- Under the Agricultural Act of 2014 (at section 4006), USDA was instructed to issue regulations “establishing that those States electing to use **a heating or cooling standard utility allowance (HCSUA)** in SNAP eligibility determinations must make the HCSUA available to households that receive a Low-Income Home Energy Assistance Program (LIHEAP) or other similar energy assistance program payment greater than \$20 annually in the current month or in the immediately preceding 12 months.” This final rule implements this provision and will be combined with the final rule on SNAP: Standardization of State Heating and Cooling Standard Utility Allowances (0584-AE69).

- **SNAP quality control (QC) system** would be revised based on instructions in the “Agriculture Improvement Act of 2018 that gives the Secretary discretion on how to implement Congress’ request to improve the integrity and data quality of information collected in the QC process.”

More information on the consultation process at USDA can be found [here](#).

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