
LEGAL UPDATE

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA DECISION — SNAP FOOD RESTRICTION WAIVERS

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Nieves Aragon v. Brooke Rollins

June 22, 2026

No. 26-0861

Background. The Supplemental Nutrition Assistance Program (SNAP) is a needs-based and means-tested program jointly administered and regulated by the states and federal government that provides food-purchasing benefits to participants at participating retailers. SNAP is administered at the federal level by the Food and Nutrition Administration of the United States Department of Agriculture (USDA). SNAP benefits shall only be used by participants to buy food. Food is defined for the purposes of SNAP as “any food or food product for home consumption except alcoholic beverages, tobacco, hot foods or hot food products ready for human consumption.” See 7 U.S.C. §2012(k). The Iowa Department of Health and Human Services (HHS), the agency responsible for administering SNAP in Iowa, submitted a waiver request to USDA on April 1, 2025, to allow the agency to operate a pilot project under which only “nontaxable food items as defined by the Iowa Department of Revenue” would be considered “food” for purposes of SNAP benefits. The stated purpose of the pilot project was to “promote the general welfare and safeguard the health and wellbeing by encourag[ing] SNAP participants to purchase healthier food items.” The waiver was approved by the USDA on May 22, 2025.

Iowa’s waiver is one example of what the USDA has referred to as a “SNAP Food Restriction Waiver” (food restriction waiver). Pilot projects based on food restriction waivers were also approved by the USDA in Colorado, Nebraska, Tennessee, and West Virginia. On March 11, 2026, the legal basis for the approval of these food restriction waivers was challenged in a complaint filed in the United States District Court for the District of Columbia on behalf of SNAP participants residing in those states (the plaintiffs) against the USDA and Brooke Rollins as the United States Secretary of Agriculture (Secretary). The complaint alleged violations of the federal Administrative Procedures Act (APA) with the approval of these food restriction waivers and implementation of the pilot projects.

Hearings related to summary judgment motions were held in front of a federal judge on May 1, 2026, and May 6, 2026. The court issued its decision granting summary judgment to the SNAP participants on June 22, 2026, who had disagreed with the implementation of the pilot projects. The USDA has until August 22, 2026, to file an appeal with the United States Court of Appeals for the District of Columbia Circuit.

Issues.

1. Whether the USDA exceeded its statutory authority by approving the food restriction waivers.

2. Whether the USDA disregarded a mandatory procedural requirement in the implementation of the pilot projects.

Holding. First, the court held that the SNAP participants had standing to challenge the pilot projects. The court then held that the approved food restriction waivers exceeded the USDA's statutory authority, and that the USDA disregarded a mandatory procedural requirement in implementing the pilot projects. Accordingly, the court granted the SNAP participants' motion for summary judgment and dismissed the USDA's cross-motion for summary judgment. The approval of the food restriction waivers by the USDA was vacated by the court and sent back for further administrative action.

Analysis. Issue 1. There are two separate provisions under the federal Food and Nutrition Act (FNA) of 2008 that the court analyzed to determine if the USDA had statutory authority to approve the food restriction waivers. First, 7 U.S.C. §2026(b) allows the Secretary to waive certain provisions of the FNA in order to implement a pilot project that is "consistent with the goals of [SNAP]" and that has evaluation metrics to demonstrate progress toward these goals. The pilot project is required to promote SNAP program administrative efficiency and advancements in program delivery. Second, 7 U.S.C. §2026(k) requires the Secretary in accordance with specified criteria to approve any pilot project that "improve[s] the dietary and health status of households eligible for or participating in SNAP" and more specifically reduces the incidence of obesity and other diet-related chronic diseases through encouraging healthier diets.

From this statutory analysis, the court found that while there may have been a duty to approve the food restriction waivers if the USDA had followed the process provided under 7 U.S.C. §2026(k), the USDA did not have the authority to approve the waivers under 7 U.S.C. §2026(b) as requested by the states and approved by the USDA. The court supported this holding further by examining Congress's intent behind these provisions and compared them against the rationale provided for approval of the challenged pilot projects. The court concluded that "Congress defined what 'food' is supposed to be, and did not authorize the [USDA] to amend or waive the definition Congress enacted."

Issue 2. Under current federal regulations, the USDA is required to provide 30 days' notice in the Federal Register prior to the implementation of any pilot project that is "likely to have a significant impact on the public." See 7 C.F.R. §282.1. It was not disputed that the USDA did not post notice of the challenged pilot projects in the Federal Register 30 days prior to the implementation of any of the projects. The question before the court was whether they were required to do so. The court found that the projects met the threshold of having a significant public impact. Achieving a potentially significant impact on public health through reducing incidence of obesity and other diet-related chronic diseases in SNAP recipients, the court concluded was "the whole point of the [projects]." The court also held that the lack of notice harmed the SNAP participants as it prevented them from raising concerns about the projects prior to implementation.

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