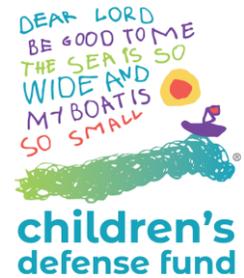


April 1, 2019

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, Virginia 22302



RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

The Children's Defense Fund (CDF) appreciates the opportunity to comment on the U.S. Department of Agriculture (USDA) Proposed Rule on Requirements for Able-Bodied Adults Without Dependents (ABAWDs) in the Supplemental Nutrition Assistance Program (SNAP). CDF's Leave No Child Behind® mission is to ensure every child a *Healthy Start*, a *Head Start*, a *Fair Start*, a *Safe Start* and a *Moral Start* in life and successful passage to adulthood with the help of caring families and communities. CDF provides a strong, effective and independent voice for *all* the children of America who cannot vote, lobby or speak for themselves. We pay particular attention to the needs of poor children, children of color and those with disabilities. CDF educates the nation about the needs of children, including child and family hunger and encourages preventive investments before they get sick, drop out of school, get into trouble or suffer family breakdown.

CDF has worked for many years, in collaboration with other organizations, to end child hunger in America. Hunger and malnutrition jeopardize children's health, development, education and career readiness. Government programs, including the Supplemental Nutrition Assistance Program (SNAP), have long helped to reduce child hunger and lift families out of poverty. Today SNAP helps feed 19.9 million children – more than 1 in 4 – and prevents children and families from going hungry. In 2016, SNAP lifted more than 1.5 million children out poverty, more than any other government program. Given the critical role SNAP plays for children and families in communities across the country, we have serious concerns about any policies that would restrict access to SNAP for those who are hungry. CDF strongly opposes the current SNAP policy that permits a three-month time limit on SNAP receipt for most childless unemployed and underemployed adults unless they are working 20 hours a week, and the proposal included in the proposed rule which would undercut states' ability to waive the time limits in many areas where there are large numbers of unemployed adults and too few jobs. By USDA's own estimates, the rule would eliminate SNAP benefits for an additional 755,000 people. Both the current SNAP requirements for ABAWDs and the proposed rule that would limit waivers of the SNAP requirements, are harmful, will increase food insecurity, and should be stopped.

Existing SNAP Time Limits are Harmful

Federal law currently limits SNAP eligibility for childless unemployed and underemployed adults age 18-50 (except those who are exempt) to just three months out of every three years unless they are able to prove they have obtained and maintained an average of 20 hours a week of employment. Such a requirement is often impossible to meet for individuals who face structural barriers to employment and/or sufficient and consistent regular work hours. Research suggests these time limits do not promote increased employment but instead harm health and productivity. Just last month the National Academy of Sciences, Engineering and Medicine concluded in its report, "A Roadmap to Reducing Child Poverty" that "there is insufficient evidence to identify mandatory work policies that would reliably reduce child poverty, and it appears that work requirements are at least as likely to increase as to decrease poverty. The dearth of evidence also reflects underinvestment over the past two decades in methodologically strong evaluations of the impacts of alternative work programs." Furthermore, data show the overwhelming majority of SNAP participants who struggle to meet the 20 hours of work per week requirement are not uninterested in working, but instead are experiencing the consequences of volatility in the low-wage labor market, caregiving duties, or personal health issues.

While current law does not permit SNAP time-limits for children or adults with children, the work requirement on ABAWDs unduly harm children as well. Children living in poverty often depend on pooled resources (including SNAP benefits) from extended family members who do not claim them as dependents. Studies have also shown that low-income non-custodial parents (who do not have primary custody of children) rely on supplemental income maintained with the help of SNAP, health coverage, and other forms of assistance, such as the Earned Income Tax Credit, that allow them to be able to increase earnings, provide for their children and afford child support payments. In both scenarios, the inability to waive restrictions on SNAP eligibility for ABAWDs as included in the USDA's proposed rule, would translate to fewer resources available to support the health and well-being of those children. Furthermore, young adults under 26, including youth aging out of foster care without permanent families often continue to suffer from the trauma that led them into care or resulted from their time in care and result in high rates of unemployment and poverty may be at special risk. They face challenges to hold steady employment, often made harder by lack of adequate nutrition. These populations already face barriers to accessing SNAP due to existing ABAWD time limits. Any efforts to implement shortened time-limits or restrict states' flexibility to get waivers from these requirements would be particularly harmful to these and other vulnerable young people.

Harms to Workers and Others Depending on Them Will Worsen with the Proposed Restrictions on Waivers

The USDA's proposed rule seeks to subject more ABAWDs to the requirement in SNAP that they must work or participate in work activities for 20 hours a week in order to receive SNAP benefits for more than 3 months in a 36 month period. The changes in rules governing waivers would 1) limit the ability of states' to qualify for waivers as local economies and the overall national economy improve, despite a state's recognized need for a waiver; 2) to combine unemployment data from areas within a states with different unemployment rates unless they are economically tied; and 3) limit the duration of waivers to one year and strengthen the data required for waivers to be approved. CDF disagrees with the Department's assumption that "Through the stricter criteria for waiver approvals, the Department would encourage greater engagement in meaningful work activities and movement toward self-sufficiency among ABAWDs, through reducing their need for nutrition assistance." For too many ABAWDs, their use of nutrition assistance will likely be reduced but not because they are working instead. Their lack of access to SNAP will also negatively impact others who may be seeking regular help from them, as described above in the critique of existing SNAP work requirements.

CDF believes the proposed rule changes that will restrict states' ability to obtain waivers of the SNAP work requirement due to high unemployment rates and lack of jobs in turn will make it even more difficult for ABAWDs to meet the work requirements and receive SNAP. Limiting the authorizing of waivers of the ABAWD time limit and work requirements will leave individuals further disadvantaged. The Department, by restricting flexibility of state agencies to determine whether high unemployment rates and limited availability of jobs in their state is making it extremely difficult to promote greater engagement in work or work activities, is likely to unfairly restrict SNAP benefits for a needy population. While some states may have a stronger economy than they did during the Great Recession, it does not mean that the ABAWDs seeking SNAP are benefitting from the spike in the economy. Unemployment among ABAWDs may continue to be high. The Department says it is making these changes to ensure those who can work should work. However, the stricter rules for ABAWD waiver approvals are likely to miss circumstances where conditions make it challenging to work. Barriers to work will likely continue to exist for ABAWDs. Often it is not easy to find a job for which you are qualified and at the same time offers the steady hours required to meet a 20 hour a week work requirement.

While the Department states it is seeking to comply with the President's Executive Order on Reducing Poverty in America, which sought to improve employment outcomes and economic independence by strengthening existing work requirements for work-capable individuals, it is likely instead to increase poverty in American as hunger rises when SNAP assistance is reduced. The Department's alleged goal is to increase self-sufficiency, well-being and economic mobility but steps that ignore the negative impact of unemployment and job scarcity on individuals will not likely find these results. The proposed rule seems to ignore the fact that many SNAP recipients even of this age and without families may not be able to find work they can perform without help with job search and job training, including on-the-job training. And the discussion accompanying the rules offers no data on what the Department has learned over 20 plus years about the capacity

and experiences of the ABAWDs to work and maintain their SNAP benefits. It also seems to fail to recognize that there are times, as evidenced recently, that certain states and areas of the country may suffer from scarcity of certain types of jobs even when in other areas there is a low unemployment rate. While the work requirements includes unpaid or volunteer work verified by the State Agency, other experience with work requirements has demonstrated how challenging it can often be for SNAP recipients to work their way through the verification process and then take the steps necessary to get to the work assignments.

The suggestions for changes to the waiver seem to ignore the recognition when waivers were first instituted that high unemployment and lack of sufficient jobs were then, and continue to be, major barriers for those subject to the work requirement to get jobs. Evidence from other programs instituting work requirements make this clear. The new rules being put in place, seem to ignore the pressures on those with little work experience who are not benefiting from the robust economy or increased wages that are helping others. The goal of the waivers was to give states flexibility to decide, whereas in this case the Department is severely restricting state flexibility and moving waivers in the opposite direction.

CDF strongly recommends the USDA withdraw the proposed rule and propose legislation to eliminate SNAP time limits and work requirements. Restoring SNAP's ability to provide food assistance to all those living in poverty, regardless of their status as childless adults, would be a significant policy improvement that would reduce food insecurity among those seeking work. SNAP has a proven track record of reducing food insecurity, lifting people out of poverty and generating economic activity. We must continue to *improve* upon access to this critical safety net program, not make it more difficult to assist those it is intended to benefit. And certainly the USDA should not restrict the flexibility states currently have to set their own rules and request waivers of the time limits when they believe they are necessary to protect vulnerable populations.

Thank you for the opportunity to comment on the USDA's Proposed Rule for SNAP: Requirements and Services for ABAWDs. We appreciate your consideration of our comments and would be pleased to discuss them with you further.

Sincerely yours,



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