



11 DUPONT CIRCLE NW  
SUITE 800  
WASHINGTON, DC 20036  
202-588-5180  
NWLC.ORG

September 23, 2019

SNAP Program Design Branch,  
Program Development Division  
Food and Nutrition Service  
3101 Park Center Drive  
U.S. Department of Agriculture  
Alexandria, VA 22302

[Submitted via <https://www.regulations.gov>]

Re: Proposed Rule: Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP) RIN 0584-AE62

Dear SNAP Program Design Branch:

The National Women's Law Center (the "Center") takes this the opportunity to comment in opposition to USDA's Proposed Rulemaking on Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP). The proposed changes would cause serious harm to low-income women and their families, their communities, and the nation.

The Center fights for gender justice — in the courts, in public policy, and in society — working across the issues that are central to the lives of women and girls. The Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm everyone — especially those who face multiple forms of discrimination. For more than 45 years, the Center has been on the leading edge of every major legal and policy victory for women.

Because of the importance of the Supplemental Nutrition Assistance Program (SNAP) to women's economic security, health, and well-being,<sup>1</sup> the Center strongly opposes any change in policy or regulation that further limits the receipt of SNAP benefits by low-income women, children, and families. More specifically, the Center opposes the proposed changes to Broad-Based Categorical Eligibility (BBCE) for the following reasons:

---

<sup>1</sup> HEATHER HARTLINE-GRAFTON, FOOD RES. & ACTION CTR., THE IMPACT OF FOOD INSECURITY ON WOMEN'S HEALTH, <http://frac.org/blog/impact-food-insecurity-womens-health>. See also STEVEN CARLSON & BRYNNE KEITH-JENNINGS, CTR. ON BUDGET AND POL'Y PRIORITIES, SNAP IS LINKED WITH IMPROVED NUTRITIONAL OUTCOMES AND LOWER HEALTH CARE COSTS, (Jan. 17, 2018), <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>.

- SNAP reduces hunger, food insecurity, and poverty for millions of people, including a diverse group of women, children, and families.
- BBCE provides states with the flexibility to ensure that women, children, and families struggling to make ends meet can put food on their table by (1) supporting work by eliminating the “benefit cliff” workers face as their earnings rise, helping low-income families pay for other necessities like child care and housing that allow them to work, (2) helping low-income families save for future financial emergencies, and (3) making administering SNAP easier.
- The proposed rule restricting BBCE would harm women, especially low-wage working women, mothers, and women with multiple marginalized identities such as women of color, immigrant women, LGBTQ women, women with disabilities, senior women. This proposal would take SNAP away from low-wage workers, who are disproportionately women generally and especially women of color, whose employers pay them low wages that do not let them meet basic needs, like food for their families.
- Restricting BBCE would have a multi-pronged harmful impact on children, impacting their access not only to SNAP, but also to free school meals and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).
- The proposed rule will force families who would still qualify for SNAP under the proposed rule to spend more of their limited and valuable time filling out paperwork to apply for basic food benefits. It would also increase administrative costs for states.
- The proposed rule will undermine the ability of SNAP to respond to future recessions, hurting families, businesses, and the economy writ large.
- This proposed rule aims to unlawfully and arbitrarily narrow SNAP BBCE.

## I. SNAP reduces hunger, food insecurity, and poverty for millions.

SNAP plays a critical role in reducing hunger, food insecurity, and poverty for millions of women and families. SNAP lifted 3.1 million people out of poverty in 2018.<sup>2</sup> In Fiscal Year (FY) 2017, SNAP served more than 42.1 million people in nearly 20.8 million households on average each month.<sup>3</sup>

SNAP serves a diverse group of women and families:

- Women make up 63% of nonelderly adult SNAP recipients.<sup>4</sup> White, non-Hispanic women make up 24% of nonelderly adult recipients, while 35% of nonelderly adult recipients are women of color.<sup>5</sup>

<sup>2</sup> LIANA FOX, U.S. CENSUS BUREAU, THE SUPPLEMENTAL POVERTY MEASURE: 2018 10 (2019), *available at* <https://www.census.gov/content/dam/Census/library/publications/2019/demo/p60-268.pdf>.

<sup>3</sup> U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERVS., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2017 xv (Feb. 2019), *available at* <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2017.pdf> (hereinafter “SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017”).

<sup>4</sup> *Id.* at 21. Non-elderly adults are defined as people age 18 through 59. *Id.*

<sup>5</sup> Nat'l Women's Law Ctr. calculations based on U.S. CENSUS BUREAU, 2018 CURRENT POPULATION SURVEY using SARAH FLOOD ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018) (hereinafter “2018 CURRENT POPULATION SURVEY”).

- In a recent national survey, 26.1% of LGBTQ female survey respondents and 41.2% of disabled LGBTQ survey respondents reported receiving SNAP.<sup>6</sup>
- SNAP serves over 11 million people with disabilities.<sup>7</sup>
- In another survey, 31% of survivors of domestic violence reported applying for food assistance since the abusive relationship began.<sup>8</sup>
- SNAP serves over 18 million children.<sup>9</sup>

**A. SNAP is the first line of defense against food insecurity for women, children, and families.**

Nearly one in nine U.S. households experience food insecurity<sup>10</sup> during the year.<sup>11</sup> In particular:

- In 2018, 14% of women living alone faced food insecurity.<sup>12</sup>
- According to a 2014 Gallup survey, 27% of LGBTQ adults responded affirmatively when asked if they had experienced food insecurity over the past year versus 17% for non-LGBTQ respondents.<sup>13</sup>
- In a 2013 report, USDA documented that 33% of households with an adult age 18 to 64 with a disability who was not in the labor force, and 25% of households with adults age 18 to 64 with other reported disabilities, were food insecure.<sup>14</sup>

---

<sup>6</sup> CAITLIN ROONEY, CHARLIE WHITTINGTON & LAURA E. DURSO, CTR. FOR AM. PROGRESS, PROTECTING BASIC LIVING STANDARDS FOR LGBTQ PEOPLE (Aug. 2018), *available at* <https://cdn.americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>.

<sup>7</sup> STEVEN CARLSON, BRYNNE KEITH-JENNINGS & RAHEEM CHAUDHRY, CTR. ON BUDGET & POL'Y PRIORITIES, SNAP PROVIDES NEEDED FOOD ASSISTANCE TO MILLIONS OF PEOPLE WITH DISABILITIES (June 14, 2017), <https://www.cbpp.org/research/food-assistance/snap-provides-needed-food-assistance-to-millions-of-people-with> (data based on the 2015 National Health Interview Survey). U.S. Department of Agriculture demographic data provide a 4.5 million statistic for FY 2017 but uses a narrower definition of disability. SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017, *supra* note 3, at 3, 22.

<sup>8</sup> THE NAT'L DOMESTIC VIOLENCE HOTLINE, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, & NAT'L LATIN@ NETWORK, WE WOULD HAVE HAD TO STAY (Nov. 2018), *available at* [https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDDV\\_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf](https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf).

<sup>9</sup> SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017, *supra* note 3, at 22 (Table 3.5).

<sup>10</sup> The U.S. Department of Agriculture defines food insecurity as a "lack of consistent access to enough food for an active, healthy life." ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., DEFINITIONS OF FOOD SECURITY (2018), *available at* <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx>.

<sup>11</sup> ALISHA COLEMAN-JENSEN ET AL., U.S. DEP'T OF AGRIC., HOUSEHOLD FOOD INSECURITY IN THE UNITED STATES IN 2018, at 6 (2019), <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=963>.

<sup>12</sup> *Id.* at 14.

<sup>13</sup> TAYLOR N.T. BROWN, ADAM P. ROMERO & GARY J. GATES, THE WILLIAMS INST., FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY 2 (2016), *available at* <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

<sup>14</sup> ALISHA COLEMAN-JENSEN & MARK NORD, U.S. DEP'T OF AGRIC., ECON. RES. SERV., FOOD INSECURITY AMONG HOUSEHOLDS WITH WORKING-AGE ADULTS WITH DISABILITIES, at 15 (2013), [https://www.ers.usda.gov/webdocs/publications/45038/34589\\_err\\_144.pdf?v=41284](https://www.ers.usda.gov/webdocs/publications/45038/34589_err_144.pdf?v=41284). Individuals with other reported disabilities are individuals "who had a disability but did not indicate they were out of the labor force due to disability." For comparison, 12% of households with no disabled adult were food insecure. *Id.*

- Food insecurity heightens the risk of rape, physical violence, or stalking by an intimate partner.<sup>15</sup>
- In 2018, 11.2 million children lived in food-insecure households.<sup>16</sup>
- In 2018, nearly 28% of households with children headed by a single woman faced food insecurity.<sup>17</sup>
- Studies have consistently found that households that include children with disabilities face higher rates of food insecurity.<sup>18</sup>
- A longitudinal survey found that nearly 29% of former foster youth at age 23 or 24 face food insecurity.<sup>19</sup>

As the nation's largest federal food assistance program, SNAP is the first line of defense against food insecurity. SNAP works effectively by providing families struggling to make ends meet with monthly funds specifically designated for food purchases. Research shows that, for example, households with children who participate in SNAP for six months have an 8.5 percentage point decrease in food insecurity.<sup>20</sup>

### **B. SNAP is a critical health intervention and provides support for people struggling to make ends meet.**

Food insecurity has health effects, making SNAP a critical health intervention and support for people struggling to make ends meet. For example, food insecurity increases the risk of negative physical and mental health outcomes.<sup>21</sup> A USDA study found that “[a]dults in households with food insecurity were 15.3 percentage points more likely to have any chronic illness than adults in households with high food security... This is a 40-percent increase in overall prevalence.”<sup>22</sup> Food insecurity is also linked to an increase in the prevalence and severity of diet-related disease, such as obesity, type 2

---

<sup>15</sup> MATTHEW J. BREIDING, MICHELE C. BLACK & JIERU CHEN, CTRS. FOR DISEASE CONTROL & PREVENTION, NAT'L CTR. FOR INJ. PREVENTION & CONTROL, *INTIMATE PARTNER VIOLENCE IN THE UNITED STATES — 2010 (2014)*, available at

[https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_ipv\\_report\\_2013\\_v17\\_single\\_a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf).

<sup>16</sup> COLEMAN-JENSEN ET AL., *supra* note 11, at 9.

<sup>17</sup> COLEMAN-JENSEN ET AL., *supra* note 11, at 14.

<sup>18</sup> SUSAN L. PARISH, ET AL., LURIE INST. FOR DISABILITY POL'Y, Presentation at the National Association for Welfare Research and Statistics Annual Workshop: FOOD INSECURITY AMONG U.S. CHILDREN WITH DISABILITIES (Aug. 2015), available at <http://nawrs.org/wp-content/uploads/2015/09/2C-Parish-Food-Insecurity.pdf>.

<sup>19</sup> MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGES 23 AND 24, at 36 (2010), available at <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-23-and-24.pdf> (providing data based on respondents answering yes to questions such as “did not eat as much as you should because you did not have enough money for food”).

<sup>20</sup> JAMES MABLI ET AL., U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERVS., MEASURING THE EFFECT OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION ON FOOD SECURITY (Aug. 2013), <https://fns-prod.azureedge.net/sites/default/files/Measuring2013.pdf>.

<sup>21</sup> HARTLINE-GRAFTON, *supra* note 1; FOOD RES. & ACTION CTR., THE IMPACT OF POVERTY, FOOD INSECURITY, AND POOR NUTRITION ON HEALTH AND WELL-BEING 3-6 (Dec. 2017), available at <http://frac.org/wp-content/uploads/hunger-health-impact-poverty-food-insecurity-health-well-being.pdf>.

<sup>22</sup> CHRISTIAN A. GREGORY & ALISHA COLEMAN-JENSEN, U.S. DEP'T OF AGRIC., ECON. RES. SERV., FOOD INSECURITY, CHRONIC DISEASE, AND HEALTH AMONG WORKING-AGE ADULTS WITH DISABILITIES (2017), available at <https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf?v=42942>.

diabetes, heart disease, stroke, and some cancers.<sup>23</sup> This exacerbates the heightened risk women, particularly women of color, have for contracting these diseases.<sup>24</sup> Studies have additionally shown that food insecurity increases the risk of depressive symptoms or diagnosis. This is especially dangerous for groups of women already vulnerable to depression, anxiety and stress, such as those who had been exposed to violence or substance use disorder, women at risk of homelessness, refugees, and pregnant women and mothers.<sup>25</sup>

Food insecurity in pregnancy is particularly harmful. A Journal of the American Dietetic Association study demonstrated a positive association between food insecurity and complications of pregnancy, particularly second-trimester anemia, pregnancy-induced hypertension and gestational diabetes mellitus, and maternal pre-pregnancy weight and gestational weight.<sup>26</sup> A Journal of Nutrition study demonstrated that higher food insecurity was associated with increased risk of birth defects, including cleft palate, spina bifida, and anencephaly.<sup>27</sup> This association remained even after adjustment for maternal race-ethnicity, education, Body Mass Index, intake of folic acid-containing supplements, dietary intake of folate and energy, neighborhood crime, and stressful life events.

---

<sup>23</sup> BRANDI FRANKLIN ET AL., EXPLORING MEDIATORS OF FOOD INSECURITY AND OBESITY: A REVIEW OF RECENT LITERATURE, 37 J. CMTY. HEALTH 253-264 (2012); SETH A. BERKOWITZ ET AL., FOOD INSECURITY, FOOD “DESERTS,” AND GLYCEMIC CONTROL IN PATIENTS WITH DIABETES: A LONGITUDINAL ANALYSIS, 41 DIABETES CARE 1188 (2018); CHRISTIAN A. GREGORY & ALISHA COLEMAN-JENSEN, U.S. DEP’T OF AGRIC., ECON. RES. SERV., FOOD INSECURITY, CHRONIC DISEASE, AND HEALTH AMONG WORKING-AGE ADULTS (Jul. 2017), available at <https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf?v=0>.

<sup>24</sup> FRANKLIN ET AL., *supra* note 23 (noting the link between food insecurity and obesity among women); NAT’L PARTNERSHIP FOR WOMEN & FAMILIES, AN AGENDA FOR PROGRESS FOR WOMEN AND FAMILIES (Dec. 2018), <http://www.nationalpartnership.org/our-work/an-agenda-for-progress-for-women-and-families.html> (noting that women of color experience higher rates of diabetes, cardiovascular disease, and hypertension and are more likely to die from cervical cancer or breast cancer); NAT’L PARTNERSHIP FOR WOMEN & FAMILIES ET AL., ATTACKS ON THE AFFORDABLE CARE ACT, PLANNED PARENTHOOD AND MEDICAID ARE ATTACKS ON REPRODUCTIVE JUSTICE FOR WOMEN OF COLOR (Sept. 2017), available at <http://www.nationalpartnership.org/our-work/resources/repro/attacks-on-the-affordable-care-act-planned-parenthood-and-medicaid-are-attacks-on-reproductive-justice-for-women-of-color.pdf> (noting higher breast cancer mortality rates for Black women, higher rates of cervical cancer for Latinx women, and that cancer is the leading cause of death for Asian-American and Pacific Islander women); MIQUEL DAVIES, NAT’L WOMEN’S LAW CTR., THE TRUMP ADMINISTRATION IS QUIETLY SABOTAGING OPEN ENROLLMENT AND PUTTING THE LIVES AND HEALTH OF WOMEN OF COLOR AT RISK (Dec. 5, 2017), <https://nwlc.org/blog/the-trump-administration-is-quietly-sabotaging-open-enrollment-and-putting-the-lives-and-health-of-women-of-color-at-risk/> (noting health disparities for women of color); U.S. DEP’T OF HEALTH & HUMAN SERVS., CTRS. FOR DISEASE CONTROL & PREVENTION, WOMEN AND STROKE, available at [https://www.cdc.gov/stroke/docs/Women\\_Stroke\\_Factsheet.pdf](https://www.cdc.gov/stroke/docs/Women_Stroke_Factsheet.pdf) (noting that nearly 60% of stroke deaths happen to women and that Black women are almost twice as likely as white women to have a stroke).

<sup>25</sup> MERRYN MAYNARD ET AL., FOOD INSECURITY AND MENTAL HEALTH AMONG FEMALES IN HIGH-INCOME COUNTRIES, 15 INT’L. J. ENVNTL. RES. & PUB. HEALTH 1424 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6068629/>.

<sup>26</sup> C. GUNDERSEN ET AL., HOUSEHOLD FOOD INSECURITY IS ASSOCIATED WITH SELF-REPORTED PREGRAVID WEIGHT STATUS, GESTATIONAL WEIGHT GAIN, AND PREGNANCY COMPLICATIONS, J. AM. DIET. ASS’N. (May 2010), <https://www.ncbi.nlm.nih.gov/pubmed/20430130>; ALANDERSON ALVES RAMALHO ET AL., FOOD INSECURITY DURING THE GESTATIONAL PERIOD AND FACTORS ASSOCIATED WITH MATERNAL AND CHILD HEALTH, 7 J. NUTRITIONAL HEALTH & FOOD ENG’G 1 (2017), <https://pdfs.semanticscholar.org/77a9/561b598d3542d1cae451d1ebeb12b4e4eb0b.pdf>.

<sup>27</sup> SUZAN L. CARMICHAEL ET AL., MATERNAL FOOD INSECURITY IS ASSOCIATED WITH INCREASED RISK OF CERTAIN BIRTH DEFECTS, 137 J. NUTRITION 2087 (2007), <https://doi.org/10.1093/jn/137.9.2087>.

In addition, because of limited financial resources, those who are food insecure may attempt to stretch budgets by using strategies that can be harmful to their health, such as underusing or postponing medication because of cost,<sup>28</sup> postponing or forgoing preventive or needed medical care,<sup>29</sup> and forgoing the foods needed for special medical diets (e.g., diabetic diets).<sup>30</sup> Not surprisingly, research shows that household food insecurity is a strong predictor of increased numbers of emergency department visits and hospitalizations and increased health care costs.<sup>31</sup>

By risking SNAP benefits for 3.1 million people, as described in more detail below, the proposed rule threatens people's health. Indeed, recent research showed that when working families lose SNAP or have their benefits reduced due to increased earnings, they are at greater risk of poor child and adult health outcomes, child hospitalizations, and multiple family economic hardships, including food insecurity.<sup>32</sup>

Conversely, SNAP improves health outcomes, including physical and mental health, for children, adults, and seniors.<sup>33</sup> SNAP decreases food insecurity<sup>34</sup> and reduces health

---

<sup>28</sup> DENA HERMAN ET AL., FOOD INSECURITY AND COST-RELATED MEDICATION UNDERUSE AMONG NONELDERLY ADULTS IN A NATIONALLY REPRESENTATIVE SAMPLE, 105 AM. J. PUBLIC HEALTH 48 (2015); PATIENCE AFULANI ET AL., FOOD INSECURITY AND HEALTH OUTCOMES AMONG OLDER ADULTS: THE ROLE OF COST-RELATED MEDICATION UNDERUSE 34 J. NUTRITION IN GERONTOLOGY AND GERIATRICS 319 (2015); CHADWICK K. KNIGHT ET AL., HOUSEHOLD FOOD INSECURITY AND MEDICATION "SCRIMPING" AMONG US ADULTS WITH DIABETES, 83 PREVENTIVE MEDICINE 41 (2016).

<sup>29</sup> VICTORIA L. MAYER ET AL., FOOD INSECURITY, COPING STRATEGIES AND GLUCOSE CONTROL IN LOW-INCOME PATIENTS WITH DIABETES, 19 PUB. HEALTH NUTRITION 1103 (2016); MARGOT B. KUSHEL ET AL., HOUSING INSTABILITY AND FOOD INSECURITY AS BARRIERS TO HEALTH CARE AMONG LOW-INCOME AMERICANS, 21 J. GEN. INTERNAL MED. 71 (2006). *See also* MUNIRA Z. GUNJA ET AL., COMMONWEALTH FUND, HOW THE AFFORDABLE CARE ACT HAS HELPED WOMEN GAIN INSURANCE AND IMPROVED THEIR ABILITY TO GET HEALTH CARE (2017), <https://www.commonwealthfund.org/publications/issue-briefs/2017/aug/how-affordable-care-act-has-helped-women-gain-insurance-and> (noting that even though health insurance coverage gains through the Affordable Care Act have reduced the share of women skipping or delaying care because of costs, in 2016, 38% of women age 19 through 64 still reported not getting the health care they needed because of costs).

<sup>30</sup> HILARY K. SELIGMAN ET AL., FOOD INSECURITY AND GLYCEMIC CONTROL AMONG LOW-INCOME PATIENTS WITH TYPE 2 DIABETES, 35 DIABETES CARE 233 (2012); VALERIE S. TARASUK, HOUSEHOLD FOOD INSECURITY WITH HUNGER IS ASSOCIATED WITH WOMEN'S FOOD INTAKES, HEALTH AND HOUSEHOLD CIRCUMSTANCES, 131 J. NUTRITION 2670 (2001).

<sup>31</sup> VALERIE TARASUK ET AL., ASSOCIATION BETWEEN HOUSEHOLD FOOD INSECURITY AND ANNUAL HEALTH CARE COSTS, 187 CAN. MED. ASS'N J. E429 (2015); SETH BERKOWITZ ET AL., FOOD INSECURITY AND HEALTH EXPENDITURES IN THE UNITED STATES, 2011-2013, 53 HEALTH SERVS. RES. 1600 (2017).

<sup>32</sup> STEPHANIE ETTINGER DE CUBA ET AL., LOSS OF SNAP IS ASSOCIATED WITH FOOD INSECURITY AND POOR HEALTH IN WORKING FAMILIES WITH YOUNG CHILDREN, 38 HEALTH AFFAIRS 765 (2019), *available at* <https://www.healthaffairs.org/doi/pdf/10.1377/hlthaff.2018.05265>.

<sup>33</sup> HARTLINE-GRAFTON, *supra* note 1. For instance, SNAP increases the probability of self-reporting "excellent" or "good health." CHRISTIAN A. GREGORY & PARTHA DEB, DOES SNAP IMPROVE YOUR HEALTH?, 50 FOOD POL'Y 11 (2015). SNAP also lowers the risk of poor glucose control (for those with diabetes). MAYER ET AL., *supra* note 29. SNAP also has a protective effect on mental health. CINDY W. LEUNG ET AL., HOUSEHOLD FOOD INSECURITY IS POSITIVELY ASSOCIATED WITH DEPRESSION AMONG LOW-INCOME SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPANTS AND INCOME-ELIGIBLE NONPARTICIPANTS, 145 J. NUTRITION 622 (2015).

<sup>34</sup> CAROLINE RATCLIFFE, SIGNE-MARY MCKERNAN & SISI ZHANG, HOW MUCH DOES THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM REDUCE FOOD INSECURITY?, 93 AM. J. AGRIC. ECON. 1082 (2011) (finding that SNAP reduces food insecurity by approximately 30%); JAMES MABLI & JULIE WORTHINGTON,

care utilization and costs.<sup>35</sup> Elderly SNAP participants were found to be 5 percentage points less likely to cut back on their medications because of cost than eligible non-participants, which is equivalent to a 30 percent reduction.<sup>36</sup> A longitudinal study of low income older adults eligible for Medicaid and Medicare found that participation in SNAP reduced the incidence of two very costly types of care - hospitalization and long term care of older adults.<sup>37</sup>

Furthermore, SNAP also helps reduce stress for struggling individuals and families worried about finances; stress is highly correlated with poor health outcomes.<sup>38</sup> Research also shows that SNAP helps to ensure that infants and toddlers meet developmental milestones and helps improve children's performance in elementary school and beyond.<sup>39</sup>

the food insecurity resulting from reduced SNAP benefits will also increase the nation's health care costs by worsening already existing racial health disparities. Racial health disparities already cost our nation an estimated \$35 billion in excess health care expenditures, \$10 billion in illness-related lost productivity, and nearly \$200 billion in premature deaths.<sup>40</sup> The Joint Center for Economic and Political Studies estimates that between 2003 and 2006, over thirty percent of direct medical care expenditures for racial and ethnic minorities were excess costs stemming from health inequalities,<sup>41</sup> and eliminating health disparities for minorities would reduce direct medical care expenditures by nearly \$230 billion.<sup>42</sup> Exacerbating health disparities by taking SNAP and other food assistance away from families – as the proposed rule would do – would necessarily drive up the overall cost of health care expenditures.

---

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND CHILD FOOD SECURITY, 133 PEDIATRICS 610 (2014); M. NORD, HOW MUCH DOES THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ALLEVIATE FOOD INSECURITY? EVIDENCE FROM RECENT PROGRAMME LEAVERS, 15 PUB. HEALTH NUTRITION 811 (2012).

<sup>35</sup> CHRISTIAN A. GREGORY & PARTHA DEB, DOES SNAP IMPROVE YOUR HEALTH?, 50 FOOD POL'Y 11 (2015); HILARY K. SELIGMAN ET AL., EXHAUSTION OF FOOD BUDGETS AT MONTH'S END AND HOSPITAL ADMISSIONS FOR HYPERGLYCEMIA, 33 HEALTH AFFAIRS 116 (2014). For example, a national study revealed that SNAP participation was associated with lower health care costs. SETH BERKOWITZ ET AL., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION AND HEALTH CARE EXPENDITURES AMONG LOW-INCOME ADULTS, 177 JAMA INTERNAL MEDICINE 1642 (2017). On average, low-income adults participating in SNAP incurred nearly 25% less in health care costs in 12 months, including those paid by private or public insurance, than low-income adults not participating in SNAP. BERKOWITZ ET AL., *supra*.

<sup>36</sup> MITHUNA SRINIVASAN & JENNIFER A. POOLER, COST-RELATED MEDICATION NONADHERENCE FOR OLDER ADULTS PARTICIPATING IN SNAP, 2013–2015, 108 AM. J. PUB. HEALTH 224 (2018), <http://ajph.aphapublications.org/doi/10.2105/AJPH.2017.304176>.

<sup>37</sup> LAURA J. SAMUEL ET AL., DOES THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AFFECT HOSPITAL UTILIZATION AMONG OLDER ADULTS? THE CASE OF MARYLAND, 00 POPULATION HEALTH MANAGEMENT 1 (2017), available at [http://www.bdtrust.org/wp-content/uploads/2017/07/Pop-Health-Mgmt-Hospitalizations\\_linked.pdf](http://www.bdtrust.org/wp-content/uploads/2017/07/Pop-Health-Mgmt-Hospitalizations_linked.pdf).

<sup>38</sup> ROBERT-PAUL JUSTER, BRUCE S. MCEWEN & SONIA J. LUPIEN, ALLOSTATIC LOAD BIOMARKERS OF CHRONIC STRESS AND IMPACT ON HEALTH AND COGNITION, 35 NEUROSCIENCE AND BIOBEHAVIORAL REVIEWS 2 (2010).

<sup>39</sup> STEVEN CARLSON ET AL., CTR. ON BUDGET & POL'Y PRIORITIES, SNAP WORKS FOR AMERICA'S CHILDREN (Sept. 29, 2016), <https://www.cbpp.org/research/food-assistance/snap-works-for-americas-children>.

<sup>40</sup> See JOHN Z. AYANIAN, THE COSTS OF RACIAL DISPARITIES IN HEALTH CARE, HARVARD BUS. REV. (Oct. 1, 2015), available at <https://hbr.org/2015/10/the-costs-of-racial-disparities-in-health-care>.

<sup>41</sup> *Id.*

<sup>42</sup> See WILLIAM RILEY, NAT'L INST. OF HEALTH, HEALTH DISPARITIES ARE COSTLY FOR (U.S.) ALL (Apr. 1, 2016), <https://obssr.od.nih.gov/health-disparities-are-costly-for-u-s-all-think-about-it-in-april-and-beyond/>.

### C. Food assistance, including SNAP and free school meals, helps to ensure that students are not sitting in classrooms hungry.

Food insecurity negatively impacts children and adolescents socially, emotionally, and behaviorally.<sup>43</sup> For example, hunger impairs a child's ability to maintain self-control, be attentive in class, and develop interpersonal relationships with teachers and peers.<sup>44</sup> Hungry children are seven times more likely than other children to engage in physical altercations,<sup>45</sup> likely due to negative changes in mood related to hunger.<sup>46</sup> Lower levels of self-control in early childhood resulting from hunger leads to higher levels of behavioral issues as they grow, compared to their food-secure peers.<sup>47</sup> This may explain why girls living in food-insecure families experience impaired social skills development, such as a reduced ability to get along with other children and increased loneliness.<sup>48</sup> These negative impacts interfere with students' ability to focus on learning and getting good grades<sup>49</sup> because food-insecure students are too preoccupied with meeting basic human needs—putting them at a heightened risk of experiencing mental health issues such as anxiety, depression, and suicidal thoughts.<sup>50</sup>

Access to SNAP, free school meals, and other food and nutrition assistance is key to combat food insecurity in students and support their positive social, educational, emotional, and behavioral development.<sup>51</sup> Participating in the National School Breakfast Program helps students improve their attendance, behavior, academic performance, and mental health.<sup>52</sup> Students participating in SNAP have lower rates of disciplinary issues in the early part of a month, compared to later in the month when SNAP benefits usually run out<sup>53</sup> (due to the already inadequate SNAP benefit, an average of \$127 per month in fiscal year 2018).<sup>54</sup>

---

<sup>43</sup> QWAMEL HANKS ET AL., FOOD RES. & ACTION CTR., THE CONNECTIONS BETWEEN FOOD INSECURITY, THE FEDERAL NUTRITION PROGRAMS, AND STUDENT BEHAVIOR 1 (2018), *available at* <https://www.frac.org/wp-content/uploads/breakfast-for-behavior.pdf>.

<sup>44</sup> *Id.* at 1-3.

<sup>45</sup> *Id.* at 1.

<sup>46</sup> AM. PSYCHOL. ASS'N, HUNGER CAN LEAD TO ANGER, BUT IT'S MORE COMPLICATED THAN A DROP IN BLOOD SUGAR, STUDY SAYS, MEDICAL XPRESS (June 11, 2018), <https://medicalxpress.com/news/2018-06-hunger-anger-complicated-blood-sugar.html>.

<sup>47</sup> QWAMEL HANKS ET AL., *supra* note 43.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.* at 3; *See also* MADELEINE LEVIN & HEATHER HARTLINE-GRAFTON, FOOD RES. & ACTION CTR., BREAKFAST FOR LEARNING 1 (2016), *available at* <http://frac.org/wp-content/uploads/breakfastforlearning-1.pdf> (stating children and adolescents experiencing hunger are more likely to have attention problems and poorer grades).

<sup>50</sup> QWAMEL HANKS ET AL., *supra* note 43.

<sup>51</sup> *Id.* at 2-3.

<sup>52</sup> *Id.*

<sup>53</sup> *Id.* at 3.

<sup>54</sup> CTR. ON BUDGET & POL'Y PRIORITIES, POLICY BASICS: THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) (June 25, 2019), *available at* <https://www.cbpp.org/research/food-assistance/policy-basics-the-supplemental-nutrition-assistance-program-snap>.



#### D. SNAP supports women in the low-wage workforce.

Nearly 23.8 million people work in the 40 lowest-paying jobs (typically paying less than \$12 per hour), which comprise child care workers, personal care aides and home health aides, housekeepers, restaurant servers, cashiers, and other vital jobs for our economy.<sup>55</sup> Women make up nearly two-thirds (65%) of the workforce in these low-wage jobs, and women of color are especially disproportionately represented.<sup>56</sup>

The U.S economic system and society have created these unjust results. Employers are less likely to hire women than men for high-wage jobs,<sup>57</sup> and employers' negative stereotypes about mothers and their ability and commitment to do higher-level work also contribute to mothers' overrepresentation in the low-wage workforce.<sup>58</sup> Women are also systemically (sometimes overtly and sometimes subtly) discouraged from higher-paying job tracks, such as in the Science, Technology, Engineering, and Mathematics (STEM) field.<sup>59</sup> "Women's work" is also devalued, in the most literal sense. Caregiving is just one example—paid child care providers are vastly underpaid for the valuable work they do caring for children and supporting their development,<sup>60</sup> and family caregiving responsibilities,<sup>61</sup> of which mothers also bear a disproportionate share, are completely uncompensated. Studies have also revealed that large numbers of women moving into a field typically lead to a decline in wages for that field.<sup>62</sup> Gender and racial discrimination, combined with policymakers' failure to increase the minimum wage, thus negatively impacts the economic security of women in the low-wage workforce.

SNAP is a critical support for low-wage working women, helping them feed themselves and their families as they struggle to meet other basic needs, like child care, housing, and health care, with inadequate paychecks.

SNAP's benefit structure also explicitly incentivizes work, favoring earned income over unearned income through an earnings disregard, and phasing out gradually as income rises so that, for most households, each additional dollar of earned income results in a reduction of SNAP benefits of only 24 to 36 cents.<sup>63</sup> BBCE, described in more detail below, helps support this more gradual phase-out.

---

<sup>55</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using Steven Ruggles et al., IPUMS USA: Version 9.0 [dataset] (Minneapolis, 2019), *available at* <https://ipums.org/>.

<sup>56</sup> *Id.* For example, Latinx women and Native women are represented in the low-wage workforce at roughly double the rate of their representation in the workforce overall, while Black women's share of the low-wage workforce is 1.75 times their share of the workforce overall.

<sup>57</sup> NAT'L WOMEN'S LAW CTR., THE WAGE GAP: THE WHO, HOW, WHY, AND WHAT TO DO 2 (2018), *available at* <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/10/The-Wage-Gap-Who-How-Why-and-What-to-Do-2018.pdf> (hereinafter "THE WAGE GAP").

<sup>58</sup> *Id.* at 3.

<sup>59</sup> *Id.* at 2-3.

<sup>60</sup> JULIE VOGTMAN, NAT'L WOMEN'S LAW CTR., UNDERVALUED: A BRIEF HISTORY OF WOMEN'S CARE WORK AND CHILD CARE POLICY IN THE UNITED STATES 2 (2017), *available at* [https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/12/final\\_nwlc\\_Undervalued2017.pdf](https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/12/final_nwlc_Undervalued2017.pdf).

<sup>61</sup> THE WAGE GAP, *supra* note 57.

<sup>62</sup> *Id.*

<sup>63</sup> See ELIZABETH WOLKOMIR & LEXIN CAI, CTR. ON BUDGET & POL'Y PRIORITIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM INCLUDES EARNINGS INCENTIVES (Mar. 6, 2018),

## **E. SNAP helps the economy.**

According to recent studies, it is estimated that \$1 of SNAP benefits leads to between \$1.50 and \$1.80 in total economic activity during a recession.<sup>64</sup> USDA's Economic Research Service has reported that new SNAP spending has relatively large effects on manufacturing and trade and transportation sectors. Those sectors include businesses, such as food and beverage manufacturers, packaging manufacturers, grocery stores and food and other wholesalers, and trucking and rail freight industries.<sup>65</sup> But other sectors are impacted as well, including health and social services and agriculture.<sup>66</sup>

SNAP is a job creator. The program supported 782,600 jobs in 2018.<sup>67</sup> SNAP dollars help many food retailers operating on thin margins to remain in business, which improves food access for all residents.

## **II. States have flexibilities to help ensure that women, children, and families struggling to make ends meet can eat.**

### **A. BBCE in SNAP helps put food on the tables of women, children, and families struggling to make ends meet.**

Congress sets eligibility for SNAP benefits, with some important options provided to states. For more than 20 years, states have had the flexibility through BBCE to lift SNAP's very low gross income and asset tests. In 2017, 42 states and territories used BBCE to raise asset and gross income limits on SNAP.<sup>68</sup>

BBCE supports the economic security of millions of low-income women, children, and families by ensuring that people have access to the food they need:

- **BBCE supports work by eliminating a “benefit cliff” workers face as their earnings rise.** Without BBCE, a small earning increase that results in a gross

---

<https://www.cbpp.org/research/food-assistance/the-supplemental-nutrition-assistance-program-includes-earnings-incentives> (providing information on how the benefit structure incentivizes work); DOROTHY ROSENBAUM, CTR. ON BUDGET & POL'Y PRIORITIES, THE RELATIONSHIP BETWEEN SNAP AND WORK AMONG LOW-INCOME HOUSEHOLDS (Jan. 2013), <https://www.cbpp.org/research/the-relationship-between-snap-and-work-among-low-income-households> (providing information on the relationship between SNAP and work).

<sup>64</sup> See PATRICK CANNING & BRIAN STACY, U.S. DEP'T. OF. AGRIC., ECON. RES. SERV., THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND THE ECONOMY: NEW ESTIMATES OF THE SNAP MULTIPLIER 6-8 (2019), available at <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7> (regarding research by Blinder and Zandi exhibited in Table 1).

<sup>65</sup> *Id.* at 24.

<sup>66</sup> *Id.* at 25.

<sup>67</sup> RACHEL WEST & REBECCA VALLAS, CTR. FOR AM. PROGRESS, TRUMP'S EFFORT TO CUT SNAP BY FIAT WOULD KILL 178,000 JOBS OVER THE NEXT DECADE (Mar. 14, 2019), <https://www.americanprogress.org/issues/poverty/news/2019/03/14/466700/trumps-effort-cut-snap-fiat-kill-178000-jobs-next-decade/>.

<sup>68</sup> U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) STATE OPTIONS REPORT 25 (May 31, 2018), available at <https://fns-prod.azureedge.net/sites/default/files/snap/14-State-Options.pdf>.

income over SNAP's regular eligibility threshold, 130% of the federal poverty line (FPL), can lead to a substantial loss in SNAP benefits for a working family. BBCE allows states to modestly increase the 130% FPL gross income threshold, and also to set a more gradual benefit phase-out, which ensures workers who engage in slightly higher-paying work can still receive some food assistance through SNAP benefits.

- **BBCE's elimination of the benefit cliff helps low-income families who face high costs for their basic needs.** BBCE is particularly important for states with higher costs of living where families with lower incomes have additional challenges stretching their dollars to cover their basic needs. Many families spend the majority of their income on everyday essentials like child care, health insurance, and housing. The high costs of these necessities – which support participation in the workforce – absorb large portions of family budgets and leave fewer resources for other essentials like food. For example, in 2017, average annual costs for full-time child care ranged from about \$4,700 to over \$23,000 (depending on the care arrangement, the age of the child, and the state),<sup>69</sup> and only 15% of children eligible for child care assistance under federal rules receive it.<sup>70</sup> Given these expenses, working families, especially households headed by a single person, often rely on SNAP to put food on the table when their money must be used for other high-cost necessities.
- **BBCE helps low-income families save for future needs.** SNAP has a very low asset limit—families and individuals are disqualified from SNAP if they have managed to save as little as \$2,250 (or \$3,500 for households with elderly or disabled members). This asset limit discourages low-income families from saving enough to help them weather a financial emergency, such as a medical bill, sudden loss of a job, or unexpected car repair bill.<sup>71</sup> By using BBCE, states can open SNAP eligibility to women and families with income that qualifies them for SNAP, but who would otherwise be ineligible because they have managed to build modest savings to help get through future financial emergencies. Research has demonstrated that BBCE “increases low-income households’ savings (eight percent more likely to have at least \$500) and participation in mainstream financial markets (five percent more likely to have a bank account).”<sup>72</sup> Today, 63% of U.S. children live in families that are asset poor—meaning their families could not afford to stay afloat after losing income for three months.<sup>73</sup> BBCE helps families with children build savings, rather than penalize them for trying to build up the resources they need for economic self-sufficiency.

---

<sup>69</sup> CHILD CARE AWARE OF AMERICA, THE US AND THE HIGH COST OF CHILD CARE: APPENDICES (Oct. 2018), available at <http://usa.childcareaware.org/wp-content/uploads/2018/10/appendices18.pdf>.

<sup>70</sup> KATHRYN LARIN ET AL., U.S. GOV'T ACCOUNTABILITY OFFICE, CHILD CARE AND DEVELOPMENT FUND: SUBSIDY RECEIPT AND PLANS FOR NEW FUNDS, (2019), available at <https://www.gao.gov/assets/700/696930.pdf>.

<sup>71</sup> See CAROLINE RATCLIFFE ET AL., URBAN INST., THE UNINTENDED CONSEQUENCES OF SNAP ASSET LIMITS (Jul. 2016), <https://www.urban.org/research/publication/unintended-consequences-snap-asset-limits> (stating SNAP's low asset limit discourages low-income families from building a savings account).

<sup>72</sup> *Id.*

<sup>73</sup> DAVID W. ROTHWELL, TIMOTHY OTTUSCH & JENNIFER K. FINDERS, ASSET POVERTY AMONG CHILDREN: A CROSS-NATIONAL STUDY OF POVERTY RISK, 96 CHILDREN AND YOUTH SCIENCES REVIEW 409-419 (2019), available at <https://doi.org/10.1016/j.chilyouth.2018.11.045>.

- **BBCE makes administering SNAP simpler.** When families stop participating in SNAP because of a brief period of ineligibility or procedural reasons, then reapply once they're eligible again, states face additional administrative costs and the families may face food shortages while their re-applications are pending. BBCE reduces this “SNAP churn” by 26%, reducing administrative costs for states.<sup>74</sup>
- **BBCE benefits people working in low-wage jobs with volatile work hours and incomes.** Nearly 23.8 million people work in the 40 lowest-paying jobs (typically paying less than \$12 per hour).<sup>75</sup> Employers in these fields often use “just-in-time” scheduling practices that result in unstable and often inadequate work hours for their employees.<sup>76</sup> This can, in turn, contribute to brief periods of ineligibility for SNAP. Women make up nearly two-thirds (65%) of workers in these jobs,<sup>77</sup> and BBCE helps them feed their families by alleviating the need to reapply when reductions in work hours render them temporarily ineligible for SNAP.

### **B. The direct connection between free school meals and SNAP reduces student hunger.**

National school meals programs are federally assisted meals programs that exist in public and non-profit private schools and residential child care facilities.<sup>78</sup> The National School Lunch Program (NSLP) provided nutritious lunches to 29.7 million children each school day in FY 2018.<sup>79</sup> The School Breakfast Program (SBP) served breakfast to more than 14.7 million children each school day in FY 2018.<sup>80</sup>

Students whose households participate in SNAP are directly certified to receive free school meals. Direct certification helps to ensure that children who need free school meals are certified to receive them, and it reduces administrative work for school districts around the country.

### **C. The link between WIC and other public programs, including SNAP, helps low-income pregnant women, postpartum mothers, infants, and children under five access nutritious food.**

---

<sup>74</sup> RATCLIFFE ET AL., *supra* note 71, at 1.

<sup>75</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS.

<sup>76</sup> See *generally* NAT'L WOMEN'S LAW CTR., COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES (Apr. 2017), available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/Collateral-Damage.pdf>.

<sup>77</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS.

<sup>78</sup> U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., NATIONAL SCHOOL LUNCH PROGRAM 1 (Nov. 2017), available at <https://fns-prod.azureedge.net/sites/default/files/cn/NSLPFactSheet.pdf>.

<sup>79</sup> U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., NATIONAL SCHOOL LUNCH PROGRAM: PARTICIPATION AND LUNCHES SERVED, <https://www.fns.usda.gov/pd/child-nutrition-tables> (last visited June 17, 2019). FY 2018 data are preliminary.

<sup>80</sup> U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., SCHOOL BREAKFAST PROGRAM: PARTICIPATION AND MEALS SERVED, <https://www.fns.usda.gov/pd/child-nutrition-tables> (last visited June 17, 2019). FY 2018 data are preliminary.

WIC provides grants to states for supplemental food, health care referrals, and nutrition education for infants and children up to age five, as well as low-income pregnant, breastfeeding, and postpartum women. Thus far in FY 2019, WIC has served more than 556,000 pregnant women, more than 516,000 breastfeeding women, more than 449,000 postpartum women, more than 1.6 million infants, and nearly 3.3 million children overall, on average each month.<sup>81</sup>

SNAP and WIC work in tandem to provide critical nutrition support for low-income pregnant women, postpartum mothers, infants, and children under five. Congress has allowed individuals to be certified for WIC if they participate in SNAP, Medicaid, or the Temporary Assistance for Needy Families (TANF) program, which reduces burdensome certification requirements for nearly 75% of WIC participants.<sup>82</sup> BBCE is particularly important in five rural states – Arizona, Montana, Nevada, North Dakota, and West Virginia – which especially rely on SNAP to facilitate access to WIC, providing vital nutrition support for pregnant women and young children.

### **III. The proposed rule restricting BBCE would harm women and their families and should be rejected.**

USDA estimates that the proposed rule would take SNAP away from about 1.7 million households (3.1 million individuals total).<sup>83</sup> About 1.7 million individuals would lose SNAP because of the change in BBCE's flexibility with the income test,<sup>84</sup> and the other 1.4 million would lose SNAP because of the changes in BBCE's flexibility with the very low asset test.<sup>85</sup>

#### **A. Restricting BBCE will place low-wage working women and their families in lose-lose situations.**

This proposed rule will especially harm low-wage working women who are more likely than low-wage working men to live in households with incomes subject to this proposed rule.

Nearly half (44%) of women in the low-wage workforce live in households with gross incomes below 200% of the FPL (compared to 36% of men in the low-wage

---

<sup>81</sup> U.S. DEP'T OF AGRIC., SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC), MONTHLY DATA – AGENCY LEVEL, PARTICIPATION AND PROGRAM COSTS BY CATEGORY PER PERSON, <https://www.fns.usda.gov/pd/wic-program> (last visited June 17, 2019). FY 2019 data are preliminary.

<sup>82</sup> BETSY THORN ET AL., U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERV., WIC PARTICIPANT AND PROGRAM CHARACTERISTICS 2016 FINAL REPORT 31-32 (Apr. 2018), available at <https://fns-prod.azureedge.net/sites/default/files/ops/WICPC2016.pdf> (noting that this statistic likely underestimates participation figures for a variety of reasons).

<sup>83</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. 35570, 35575 (proposed Jul. 24, 2019) (to be codified at 7 C.F.R. pt. 273).

<sup>84</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35571-72. This figure also includes people who would lose SNAP because of the changes in flexibility for both the income and asset tests.

<sup>85</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35571.

workforce).<sup>86</sup> Many women in this income range who currently receive SNAP are trying to improve their economic security through modest savings for future financial emergencies like a medical emergency or sudden loss of a job. Yet this proposed rule's removal of the BBCE flexibility with SNAP's asset test could take SNAP away from these families.

Nineteen percent of women in the low-wage workforce live in households with gross incomes between 130% and 200% of the FPL. Women in this income range who receive SNAP benefits are doing their best but have hefty child care, housing, and/or medical expenses that leave them with little left over to purchase food for their families. SNAP helps them get food so they worry less about juggling all these expenses and figuring out whether to, for example, sacrifice nutritious food for health care or vice versa. This proposed rule's removal of the BBCE flexibility with SNAP's gross income test could lead to these women and their families losing SNAP and having to make those impossible decisions of food vs. health care, food vs. child care, etc.

In addition, women in low-wage jobs are more likely to work part-time (48.6% in the low-wage workforce compared to 26.5% in the overall workforce).<sup>87</sup> Women working part-time may do so due to problems accessing affordable child care, other family or personal obligations, or because they cannot find full-time work. This proposed rule would penalize these women further by making it harder to maintain SNAP.

Furthermore, the proposed rule will likely exacerbate the gender wealth gap. USDA admits that "the proposed rule may also...reduce the savings rates among those individuals who do not meet the income and resource eligibility requirements for SNAP."<sup>88</sup> Median wealth for single men age 18-64 ("working-age") was \$10,150 in 2013—more than three times the median wealth of \$3,210 for single working-age women.<sup>89</sup> The gaps are even greater for women of color, as discussed in more detail below. However, as discussed above, BBCE enables low-income families to save for financial emergencies without making it harder for them to meet current basic needs.<sup>90</sup> This proposed rule will instead penalize them for building assets, and consequently, can exacerbate the gender wealth gap.

By proposing a rule that prevents states from allowing women with high child care, housing, and/or medical costs who are earning just above the gross income eligibility level, or who save for future financial emergencies, to receive some food assistance, the USDA ignores working families' struggle to make ends meet. The proposed rule would cut major food assistance for working families just when they are on the cusp of getting ahead. It may, moreover, exacerbate the gender wealth gap. The impact of the

---

<sup>86</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS.

<sup>87</sup> *Id.*

<sup>88</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>89</sup> MARIKO CHANG, ASSET FUNDERS NETWORK, WOMEN AND WEALTH: INSIGHTS FOR GRANTMAKERS 5 (2015), available at [https://assetfunders.org/wp-content/uploads/Women\\_Wealth\\_-\\_Insights\\_Grantmakers\\_brief\\_15.pdf](https://assetfunders.org/wp-content/uploads/Women_Wealth_-_Insights_Grantmakers_brief_15.pdf).

<sup>90</sup> *Id.*

proposed rule would likely be even more negative for women with multiple marginalized identities. Consequently, the Center urges the USDA to withdraw this proposed rule.

### **B. The proposed rule will have a devastating impact on mothers and their families.**

About 600,000 households with children (1.9 million individuals total) will lose SNAP if this proposed rule is implemented.<sup>91</sup> This represents 61% of the projected 3.1 million people who USDA will lose their SNAP benefits.

The vast majority (76%) of parents in the low-wage workforce are mothers.<sup>92</sup> An overwhelming 58% of mothers in the low-wage workforce live in households with incomes below 200% of the FPL.<sup>93</sup> Similar to all women paid these low wages, the mothers in this income range who currently receive SNAP may be trying to save to weather future financial emergencies, but this proposed rule's impact on the BBCE asset test flexibility threatens their SNAP benefits. In addition, the 21% of mothers in the low-wage workforce living in households with incomes between 130% and 200% of the FPL<sup>94</sup> and use SNAP to feed their families could lose their access to SNAP through this proposed rule, forcing them to make impossible decisions about whether to spend their low paychecks on food and less on necessary health care, less on food and more on child care, etc. Consequently, mothers and their families are likely to be disproportionately impacted by the proposed rule's SNAP cuts.

Not only does this proposed rule threaten access to SNAP, but also to other food and nutrition programs that they use to feed their children, including free and reduced school meals and WIC.

As described above, access to SNAP, free school meals, and other food and nutrition assistance helps students learn and supports their positive social, educational, emotional, and behavioral development.<sup>95</sup> If school-age children lose access to free school meals because they lose SNAP under this proposed rule, which is discussed further in the impact on children section below, their parents and caregivers will have to pay for school meals—a cost some may not be able to bear, leading to more hungry children in schools.

In addition, some low-income pregnant women and postpartum mothers may lose both their SNAP and WIC benefits under this proposed rule, though the USDA does not

---

<sup>91</sup> CTR. ON BUDGET & POL'Y PRIORITIES calculation based on U.S. DEP'T OF AGRIC., REGULATORY IMPACT ANALYSIS, REVISION OF CATEGORICAL ELIGIBILITY IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), Docket No. FNS-2018-0037-0001 (Jul. 24, 2019) (hereinafter "USDA REGULATORY IMPACT ANALYSIS") (Table 4) and SARAH LAUFFER, U.S. DEP'T OF AGRIC., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2016 (Nov. 2017), available at <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2016.pdf> (Tables A1 & A23) (hereinafter "CBPP IMPACT ESTIMATES").

<sup>92</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*

<sup>95</sup> *Id.*

include any WIC analysis in the NPRM or Regulatory Impact Analysis (RIA). Poor nutrition and food insecurity, combined with the experience of living in poverty more generally, have detrimental impacts on mothers and their children.<sup>96</sup> Making it harder for low-income mothers to access both SNAP and WIC will only exacerbate their economic insecurity, make it harder for them to have enough food for a nutritious diet for themselves and their babies, and harm their health.

Because of the threats to SNAP, free school meals, and WIC for mothers, the USDA should withdraw this proposed rule and instead focus on removing barriers to participation in food and nutrition programs.

### **C. The proposed rule will harm women of color and their families.**

False race- and gender-based narratives have been used to demonize and shame women of color accessing public benefits – including SNAP.<sup>97</sup> The reality is that most people accessing public benefits like SNAP do work, but in jobs where, unconstrained by an adequate minimum wage and robust protections for workers, employers pay low wages, provide few benefits, and offer unstable work hours. In addition, these are the jobs in which the balance of power puts workers most at risk of discrimination and harassment. The budgets of women of color are even further strained because they disproportionately lack access to affordable, quality child care, transportation, and more. People do not use SNAP because they don't want to work — they turn to SNAP because they cannot put food on the table on their paychecks alone. The need for SNAP and other public benefits is an inevitability in an economic system that disadvantages women generally and women of color especially. BBCE helps ensure people, including women of color facing a discriminatory economic system, struggling to make ends meet can access SNAP as they seek to make more money and save for the future.

While women of all races are overrepresented in the low-wage workforce compared to their share of the overall workforce,<sup>98</sup> women of color are especially disproportionately represented in the low-wage workforce:<sup>99</sup>

- Black women make up 6.3% of workers in the overall workforce, yet 11.1% of workers in the low-wage workforce.<sup>100</sup>

---

<sup>96</sup> GERALDINE HENCHY, FOOD RES. & ACTION CTR., MAKING WIC WORK BETTER: STRATEGIES TO REACH MORE WOMEN AND CHILDREN AND STRENGTHEN BENEFITS USE (May 2019), *available at* <https://www.frac.org/wp-content/uploads/Making-WIC-Work-Better-Full-Report.pdf>.

<sup>97</sup> JOSH LEVIN, THE WELFARE QUEEN, SLATE (Dec. 2013), [http://www.slate.com/articles/news\\_and\\_politics/history/2013/12/linda\\_taylor\\_welfare\\_queen\\_ronald\\_reag\\_an\\_made\\_her\\_a\\_notorious\\_american\\_villain.html](http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reag_an_made_her_a_notorious_american_villain.html).

<sup>98</sup> NWLC calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS.

<sup>99</sup> In this comment, “white, non-Hispanic” women and men are those who identified themselves as white, but not of Hispanic, Latinx, or Spanish origin in the source material. “Black women” includes those who identified themselves as Black or African American. Latinx women are of any race who identified themselves to be of Hispanic, Latinx, or Spanish origin.

<sup>100</sup> NWLC calculations based on U.S. CENSUS BUREAU, 2017 AMERICAN COMMUNITY SURVEY using IPUMS. For comparison, white, non-Hispanic women make up 29.5% of workers in the overall workforce, yet



- Latinx women make up 7.5% of workers in the overall workforce, yet 15.6% of workers in the low-wage workforce.<sup>101</sup>
- Asian American and Pacific Islander (AAPI) women make up 2.9% of workers in the overall workforce, yet 4.3% of workers in the low-wage workforce.<sup>102</sup>
- Native women make up 0.3% of workers in the overall workforce and 0.6% of workers in the low-wage workforce.<sup>103</sup>

Women of color face the systemic issues that make all women more likely than men to hold jobs that don't pay enough to make ends meet, but they also face the compounding effects of racial discrimination. As a result, 44% of women of color in the low-wage workforce live in households with incomes below 200% of the FPL (compared to 30% of white, non-Hispanic men in the low-wage workforce).<sup>104</sup> The women of color in this income range who currently receive SNAP may be trying to save for future financial emergencies, but this proposed rule's impact on the BBCE asset test flexibility threatens their SNAP benefits. The impact could be even worse for low-wage mothers of color, as 64% of mothers of color in the low-wage workforce live in households with incomes below 200% of the FPL.

In addition, the 21% of women of color in the low-wage workforce, and 23% of mothers of color in the low-wage workforce, who live in households with incomes between 130% and 200% of the FPL<sup>105</sup> and use SNAP could lose their access to SNAP through this proposed rule. This completely undermines SNAP's purpose of helping reduce food insecurity in the United States because these women of color would be forced to make impossible decisions about whether to spend their low paychecks on food and less on necessary health care or vice versa.

Not only will the proposed rule take SNAP, and potentially free school meals and/or WIC, away from women of color and their families, but it will also further exacerbate the racial and gender wealth gap. USDA admits that "the proposed rule may also...reduce the savings rates among those individuals who do not meet the income and resource eligibility requirements for SNAP."<sup>106</sup> People of color, disadvantaged in an economic system premised on their unpaid or low-paid labor, historically excluded from wealth-building policies,<sup>107</sup> and subjected to wealth-extracting policies (like predatory lending

---

32.4% of workers in the low-wage workforce. Women of all races make up 65% of the low-wage workforce, compared to 47% of the overall workforce. *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.*

<sup>104</sup> *Id.*

<sup>105</sup> *Id.*

<sup>106</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>107</sup> See, e.g., ANDREA FLYNN ET AL., ROOSEVELT INST., THE HIDDEN RULES OF RACE: BARRIERS TO AN INCLUSIVE ECONOMY (Sept. 2017), available at <https://rooseveltinstitute.org/book-hidden-rules-race-barriers-inclusive-economy/> (describing how New Deal legislation excluded Black women from government wealth-building programs such as Social Security).

practices or civil and criminal fines and fees),<sup>108</sup> face enormous racial disparities compared to white households:

- In 2016, the median wealth of white households was almost 10 times greater than that of Black households (\$171,000 vs \$17,600) and over eight times greater than that of Latinx households (\$171,000 vs \$20,700).<sup>109</sup>
- White households living near the poverty line typically have about \$18,000 in wealth, while Black households in similar economic conditions typically have a median wealth close to zero.<sup>110</sup>
- Single women of color face a staggering gap in wealth because of the compounded effects of race and gender: The median net wealth of single, working-age, white, non-Hispanic men was \$28,900 in 2013, compared to \$100 for single, working-age Latinx women and \$200 for single, working-age Black women.<sup>111</sup>

Policies like BBCE allow people of color to build their assets while still receiving the food they need to live. Restricting BBCE would prevent people of color who are SNAP recipients from saving even modest amounts of money without losing their SNAP benefits — creating yet another impediment to wealth-building for people of color in this country.

This proposed rule's impact on BBCE's flexibilities with the asset test and income test will harm women of color. By proposing a rule that prevents states from allowing women of color with high child care, housing, and/or medical costs who are earning just above the gross income eligibility level, or who save for future financial emergencies, to receive some food assistance, the USDA ignores the economic system that erects barrier after barrier to women of color's ability to make ends meet. Consequently, the Center urges the USDA to withdraw this proposed rule.

#### **D. The proposed rule will harm LGBTQ people.**

The proposed rule's changes to BBCE's gross income and asset tests would place extra pressure on LGBTQ families. This proposal would take SNAP, and potentially free school meals and WIC, away from low-wage working LGBTQ families whose wages bring them just over the 130% FPL gross income threshold and/or are trying to be fiscally responsible by saving for future emergencies.

In addition, this proposed rule threatens the equal access of SNAP benefits to LGBTQ people. The National Center for Transgender Equality's 2015 U.S. Transgender Survey

---

<sup>108</sup> ANDREA FLYNN ET AL., ROOSEVELT INST., REWRITE THE RACIAL RULES: BUILDING AN INCLUSIVE AMERICAN ECONOMY 29 (June 2016), available at <https://rooseveltinstitute.org/wp-content/uploads/2016/06/Structural-Discrimination-Final.pdf>.

<sup>109</sup> JESSE BRICKER ET AL., FED. RESERVE, CHANGES IN U.S. FINANCES FROM 2013 TO 2016: EVIDENCE FROM THE SURVEY OF CONSUMER FINANCES, (2017), available at <https://www.federalreserve.gov/publications/files/scf17.pdf>.

<sup>110</sup> WILLIAM DARITY, JR. ET AL., SAMUEL DUBOIS COOK CENTER ON SOCIAL EQUITY, WHAT WE GET WRONG ABOUT CLOSING THE RACIAL WEALTH GAP (Apr. 2018), available at [https://socialequity.duke.edu/sites/socialequity.duke.edu/files/site-images/FINAL%20COMPLETE%20REPORT\\_.pdf](https://socialequity.duke.edu/sites/socialequity.duke.edu/files/site-images/FINAL%20COMPLETE%20REPORT_.pdf).

<sup>111</sup> CHANG, *supra* note 89, at 6.

found that 17% of respondents whose identity was known by staff at a public assistance or government benefit office reported being “[d]enied equal treatment or service, verbally harassed, or physically attacked” in the office in the past year.<sup>112</sup> While there is not a study on benefits discrimination against LGB people, this likely also exists based on the high prevalence of discrimination against LGBTQ people in society.<sup>113</sup> By simplifying the application process for SNAP benefits, BBCE promotes equal treatment of SNAP beneficiaries by reducing interaction with agency staff, which reduces the opportunity for discrimination against LGBTQ people. By eliminating BBCE, in contrast, the proposed rule would place LGBTQ people at increased risk of discrimination.

Because of the harmful impacts this proposed rule would have on LGBTQ people and their families, the Center urges the USDA to withdraw this proposed rule.

### **E. The proposed rule will harm people with disabilities.**

Studies have estimated that 40% of disabled people “experience material hardship because of the extra costs of living with a disability.”<sup>114</sup> These extra costs could be more expensive adaptive clothing, repairs or replacing mobility equipment, or simply additional health care costs. In addition, people with disabilities live with unexpected expenses. A broken wheelchair, or a trip out of the area for a child with a chronic illness to see a specialist can wipe out any savings a family may have in the blink of an eye. These costs, typically ranging between \$1,000 to \$7,000 per year,<sup>115</sup> can be devastating for a family. BBCE in SNAP allows families to save money, when they can, to prepare for future emergencies and extra or unexpected costs. However, the proposed rule would eliminate this option and impose a strict \$3,500 asset limit on households that include people with disabilities. Nearly 300,000 individuals who receive disability benefits in more than 150,000 households may lose SNAP benefits because of the changes to BBCE.<sup>116</sup>

---

<sup>112</sup> S.E. JAMES ET. AL., THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY, NAT’L CTR. FOR TRANSGENDER EQUALITY 16 (Dec. 2016), *available at* <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

<sup>113</sup> See, e.g., SEJAL SINGH & LAURA E. DURSO, CTR. FOR AM. PROGRESS, WIDESPREAD DISCRIMINATION CONTINUES TO SHAPE LGBT PEOPLE’S LIVES IN BOTH SUBTLE AND SIGNIFICANT WAYS (May 2, 2017), <https://www.americanprogress.org/issues/lgbt/news/2017/05/02/429529/widespread-discrimination-continues-shape-lgbt-peoples-lives-subtle-significant-ways/> (reporting that 25% of LGBT survey respondents experienced discrimination based on their sexual orientation or gender identity in the past year).

<sup>114</sup> NAT’L COUNCIL ON DISABILITY, NATIONAL DISABILITY POLICY: A PROGRESS REPORT (Oct. 26, 2017), *available at* [https://ncd.gov/sites/default/files/NCD\\_A%20Progress%20Report\\_508.pdf](https://ncd.gov/sites/default/files/NCD_A%20Progress%20Report_508.pdf).

<sup>115</sup> SOPHIA MITRA ET AL., THE HIDDEN EXTRA COSTS OF LIVING WITH A DISABILITY, THE CONVERSATION (Jul. 25, 2017), <https://theconversation.com/the-hidden-extra-costs-of-living-with-a-disability-78001>.

<sup>116</sup> CBPP IMPACT ESTIMATES, *supra* note 91. By relying heavily on whether someone receives disability benefits, SNAP interprets disability narrowly. CARLSON, KEITH-JENNINGS & CHAUDHRY, *supra* note 7. The program considers someone to be disabled if they receive Supplemental Security Income, Social Security disability or blindness benefits, disability-related Medicaid, or some other specific types of disability benefits. It does not classify as disabled someone whose disability limits daily activities but is not severe enough to qualify them for disability benefit programs, someone whose disability limits daily activities but is temporary or episodic, or someone with a disability who has applied for disability benefits but has not yet been approved. Consequently, the number of people with disabilities who could lose benefits under this proposed rule is likely higher.

Workers with disabilities are already less likely to be employed than workers without disabilities,<sup>117</sup> in large part because of employment discrimination, and in some cases, can be paid a subminimum wage.<sup>118</sup> Workers with disabilities generally are more likely to live in poverty, and 28% of women with disabilities had incomes below the poverty line in 2017.<sup>119</sup>

BBCE is designed to encourage workers to accept more hours at work or take a higher-paying job when doing so is possible. Currently, when SNAP recipients move to slightly sounder financial footing, their nutrition benefit gradually decreases rather than disappearing all at once. Gradual phase-outs of benefits are important for the disability community, for whom things can change so quickly depending on one's health or the health of a loved one. The proposed rule would cause some workers whose income increases – even by as little as 50 cents per hour<sup>120</sup> – to lose their benefit all at once, creating a “benefit cliff.”

The Center urges the USDA to further analyze the number of people with disabilities impacted by these benefit cliffs and withdraw this rulemaking.

#### **F. Restricting BBCE threatens vital food assistance to survivors of domestic violence or sexual assault.**

While domestic violence and sexual assault occur across the socio-economic spectrum, there are unique challenges and barriers for survivors at the intersection of gender-based violence and economic hardship.

Women living in poverty experience domestic violence at twice the rate of those who do not, and the violence perpetrated against them can make it impossible to climb out of poverty.<sup>121</sup> In order to exercise control over their partners, abusers often actively prevent

---

<sup>117</sup> L. KRAUS ET AL., REHABILITATION RES. AND TRAINING CTR. ON DISABILITY STATISTICS AND DEMOGRAPHICS, 2017 DISABILITY STATISTICS ANNUAL REPORT (2018), *available at* [https://disabilitycompendium.org/sites/default/files/user-uploads/2017\\_AnnualReport\\_2017\\_FINAL.pdf](https://disabilitycompendium.org/sites/default/files/user-uploads/2017_AnnualReport_2017_FINAL.pdf).

<sup>118</sup> U.S. DEP'T OF LABOR, WAGE AND HOUR DIV., SUBMINIMUM WAGE, <https://www.dol.gov/whd/specialemloyment> (last accessed Sept. 23, 2019).

<sup>119</sup> MEIKE BERLAN & MORGAN HARWOOD, NAT'L WOMEN'S LAW CTR., NATIONAL SNAPSHOT: POVERTY AMONG WOMEN & FAMILIES, 2018 (Sept. 2018), <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/09/National-Snapshot.pdf>.

<sup>120</sup> WOLKOMIR & CAI, *supra* note 63.

<sup>121</sup> See, e.g., ELEANOR LYON, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, WELFARE, POVERTY AND ABUSED WOMEN: NEW RESEARCH AND ITS IMPLICATIONS (Oct. 2000), *available at* [https://vawnet.org/sites/default/files/materials/files/2016-09/BCS10\\_POV.pdf](https://vawnet.org/sites/default/files/materials/files/2016-09/BCS10_POV.pdf); MARY KAY, INC., 2012 TRUTH ABOUT ABUSE SURVEY REPORT (2012), *available at* [http://content2.marykayintouch.com/public/PWS\\_US/PDFs/company/2012Survey.pdf](http://content2.marykayintouch.com/public/PWS_US/PDFs/company/2012Survey.pdf); ELEANOR LYON, SHANNON LANE & ANNE MENARD, MEETING SURVIVORS' NEEDS: A MULTISTATE STUDY OF DOMESTIC VIOLENCE SHELTER EXPERIENCES (Oct. 2008), *available at* [http://www.vawnet.org/Assoc\\_Files\\_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf](http://www.vawnet.org/Assoc_Files_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf); ELEANOR LYON, JILL BRADSHAW & ANNE MENARD, MEETING SURVIVORS' NEEDS THROUGH NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES & SUPPORTS: RESULTS OF A MULTI-STATE STUDY (Nov. 2011), *available at* <https://vawnet.org/sites/default/files/materials/files/2016-07/DVServicesStudy-FINALReport2011.pdf>; RACHEL KIMERLING ET AL., UNEMPLOYMENT AMONG WOMEN: EXAMINING THE RELATIONSHIP OF PHYSICAL AND PSYCHOLOGICAL INTIMATE PARTNER VIOLENCE AND POSTTRAUMATIC STRESS DISORDER, 24 J. INTERPERSONAL VIOLENCE 450 (2009).

their partner from attaining economic independence by sabotaging their partner's economic stability. For example, abusers may interfere with survivors' access to financial resources, education, employment, child care, or health care; engage in reproductive coercion; ruin the survivor's credit; leave the survivor with tax debt; and more.<sup>122</sup>

Abuse can also result in survivors falling into poverty; violence often undermines survivors' ability to work, have a place to live, and do what is necessary to pursue a more stable life for themselves and their children.<sup>123</sup> Ending an abusive relationship, moreover, may mean losing not only access to a partner's income, but also housing, health care, or child care. Furthermore, survivors in marginalized and underserved communities (such as people of color, LGBTQ people, and people with disabilities) often face intersecting forms of discrimination that exacerbate their likelihood of facing economic instability.<sup>124</sup>

Accessing public benefits that help meet basic needs, including SNAP, is therefore imperative for women's safety.<sup>125</sup> In a 2017 survey of service providers working with survivors, over 88% of respondents said that SNAP is a very critical resource for most domestic violence and sexual assault survivors.<sup>126</sup> The Center for Disease Control (CDC) identifies SNAP as a program that can strengthen household financial security, which, in turn, helps reduce the risk factors for intimate partner violence.<sup>127</sup> Survivors' access to SNAP is fundamental to keeping themselves and their families safe, whether

---

<sup>122</sup> See, e.g., JUDY POSTMUS ET AL., UNDERSTANDING ECONOMIC ABUSE IN THE LIVES OF SURVIVORS, 27 J. INTERPERSONAL VIOLENCE 411 (2011), [available at https://journals.sagepub.com/doi/abs/10.1177/0886260511421669](https://journals.sagepub.com/doi/abs/10.1177/0886260511421669); ADRIENNE ADAMS ET AL., DEVELOPMENT OF THE SCALE OF ECONOMIC ABUSE, 13 VIOLENCE AGAINST WOMEN 563-588 (2008), [available at https://vaw.msu.edu/wp-content/uploads/2013/10/Scale-of-Economic-Abuse.pdf](https://vaw.msu.edu/wp-content/uploads/2013/10/Scale-of-Economic-Abuse.pdf); INST. FOR WOMEN'S POL'Y RES., THE ECONOMIC COST OF INTIMATE PARTNER VIOLENCE, SEXUAL ASSAULT, AND STALKING (Aug. 2017), [available at https://iwpr.org/wp-content/uploads/2017/08/B367\\_Economic-Impacts-of-IPV-08.14.17.pdf](https://iwpr.org/wp-content/uploads/2017/08/B367_Economic-Impacts-of-IPV-08.14.17.pdf).

<sup>123</sup> See, e.g., INST. FOR WOMEN'S POL'Y RES., *supra* note 122.

<sup>124</sup> See, e.g., KAISER FAMILY FOUNDATION, POVERTY RATE BY RACE/ETHNICITY (2016), <https://www.kff.org/other/state-indicator/poverty-rate-by-raceethnicity>; NAT'L POVERTY CTR., THE COLORS OF POVERTY: WHY RACIAL AND ETHNIC DISPARITIES PERSIST, [available at http://npc.umich.edu/publications/policy\\_briefs/brief16/PolicyBrief16.pdf](http://npc.umich.edu/publications/policy_briefs/brief16/PolicyBrief16.pdf) (Ann Chih Lin & David R. Harris, eds., 2009); BADGETT ET AL., NEW PATTERNS OF POVERTY IN THE LESBIAN, GAY, AND BISEXUAL COMMUNITY (2013), [available at http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf); ALBELDA ET AL., POVERTY IN THE LESBIAN, GAY, AND BISEXUAL COMMUNITY (2009), [available at http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf](http://williamsinstitute.law.ucla.edu/wp-content/uploads/Albelda-Badgett-Schneebaum-Gates-LGB-Poverty-Report-March-2009.pdf); REBECCA VALLAS & SHAWN FREMSTAD, CTR. FOR AM. PROGRESS, DISABILITY IS A CAUSE AND CONSEQUENCE OF POVERTY (Sept. 19, 2014), <https://talkpoverty.org/2014/09/19/disability-cause-consequence-poverty/>.

<sup>125</sup> See, e.g., LYON, *supra* 121.

<sup>126</sup> SHAINA GOODMAN, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, THE DIFFERENCE BETWEEN SURVIVING AND NOT SURVIVING: PUBLIC BENEFITS PROGRAMS AND DOMESTIC AND SEXUAL VIOLENCE VICTIMS' ECONOMIC SECURITY 3 (Jan. 2018), [https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018\\_0.pdf](https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018_0.pdf).

<sup>127</sup> *Id.*

by reducing the risk of violence, allowing them to leave an abusive relationship, or helping them establish a safer and more stable life.<sup>128</sup>

Unfortunately, survivors already face a variety of barriers that keep them from safely accessing SNAP benefits, losing benefits, or getting the full range of services SNAP provides.<sup>129</sup> BBCE is one way states can make it easier for survivors to access SNAP. This proposed rule, however, would increase the burden survivors must overcome to access SNAP and would reduce access not only SNAP, but also WIC and free school meals, for survivors and their families. Consequently, the USDA should withdraw this proposed rule and instead focus on improving access to food and nutrition programs to increase the safety and well-being of survivors and their families.

### **G. The proposed rule will harm seniors.**

Seniors in the more than 40 states that take the BBCE option can receive SNAP benefits without having to spend down their limited savings. This allows them to maintain a cushion that can help them supplement their Social Security benefits or otherwise replace income in retirement, or weather future financial emergencies. The Center is deeply concerned that the Administration is proposing to take away state flexibility and thus make eligibility for SNAP benefits more restrictive for senior citizens in more than 40 states. The proposed regulation would eliminate SNAP eligibility for households with individuals over age 60 who have more than \$3,500 in liquid savings.

Women, and especially women of color, already lag behind men in accumulating wealth generally,<sup>130</sup> and in retirement savings particularly,<sup>131</sup> and the proposed rule would exacerbate the gender wealth gap. This is particularly problematic for older women, who need to have more, rather than less, savings than men because they are longer-lived, and more likely to live alone, than men.<sup>132</sup>

USDA even admits, in its very limited civil rights impact analysis, that the proposed rule's SNAP cut will likely fall disproportionately on households with seniors.<sup>133</sup> More

---

<sup>128</sup> Lyon, Lane & Menard, *supra* note 121; Lyon, Bradshaw & Menard, *supra* note 121; Kimerling et al., *supra* note 121.

<sup>129</sup> See, e.g., GOODMAN, *supra* note 126 (reporting that only 58% of individuals working with survivors reported that survivors of domestic violence had access to SNAP when they needed it, and 44% of those working with sexual assault survivors reported that these survivors had access).

<sup>130</sup> CHANG, *supra* note 89, at 5.

<sup>131</sup> HEATHER MCCULLOCH, CLOSING THE WOMEN'S WEALTH GAP, CLOSING THE WOMEN'S WEALTH GAP: WHAT IT IS, WHY IT MATTERS, AND WHAT CAN BE DONE ABOUT IT (Jan. 2017), *available at* <https://womenswealthgap.org/wp-content/uploads/2017/06/Closing-the-Womens-Wealth-Gap-Report-Jan2017.pdf> (finding that, on average, women have two-thirds of the retirement savings and benefits compared to men).

<sup>132</sup> U.S. SOCIAL SEC. ADMIN., BENEFITS PLANNER: LIFE EXPECTANCY <https://www.ssa.gov/planners/lifeexpectancy.html> (last accessed Sept. 23, 2019); TERESA GHILARDUCCI ET AL., SCHWARTZ CENTER FOR ECON. POL'Y ANALYSIS, OLD-AGE POVERTY: SINGLE WOMEN & WIDOWS & A LACK OF RETIREMENT SECURITY (2018), *available at* [https://www.economicpolicyresearch.org/images/Retirement\\_Project/Single-Women-Widows-PN-edited-12.21-final.pdf](https://www.economicpolicyresearch.org/images/Retirement_Project/Single-Women-Widows-PN-edited-12.21-final.pdf).

<sup>133</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35576.

than 600,000 SNAP households with members age 60 or over (some 13.2% of all SNAP households with seniors), which translates to nearly 600,000 seniors, would be cut from SNAP food assistance, according to USDA's estimates of the effect of the proposed rule.<sup>134</sup> This represents more than one-third of the 1.7 million households USDA estimates would lose SNAP.

Because of the harmful impact this proposed rule would have on seniors, the Center urges the USDA to withdraw this proposed rule and instead focus on increasing access to SNAP to eliminate food insecurity among seniors.

#### **H. The proposed rule will harm young adults.**

Young adults are more likely than older workers to have jobs with low wages.<sup>135</sup> Furthermore, young adult workers are more likely to experience fluctuating work hours common to youth-hiring sectors such as retail, restaurants, agriculture, construction, and other services. For example, about 90% of young food service workers reported that their hours fluctuated in the last month by 68%, on average.<sup>136</sup> Half of retail workers reported that they know their work schedule one week or less in advance, and half of janitors and housekeepers reported that their employer completely controls the timing of their work.<sup>137</sup> In addition, 540,000 young women age 18 to 24 worked part-time in 2018 for economic reasons.<sup>138</sup> These factors place young workers who are eligible for SNAP at risk of having their earnings exceed the gross income threshold at some points during the year. Since BBCE makes it easier for these young workers to keep food on the table, the proposed rule would increase food insecurity among younger workers. To the extent that younger workers are able to put savings aside to pay off debt, save for a home, or begin saving for retirement, moreover, the proposed rule would penalize them by for doing so.

In addition to young workers with low wages, a growing share of college students face food insecurity. Students who enroll full-time right after high school, receive help from their parents, and do not work during the school year are no longer the norm on college campuses.<sup>139</sup> For the first time since 1975 recent high school graduates from low-income families are enrolling in college at rates higher than their middle income

---

<sup>134</sup> CBPP IMPACT ESTIMATES, *supra* note 91.

<sup>135</sup> ALLEVIATING POVERTY FOR OPPORTUNITY YOUTH, JFF (Dec. 2018), [https://jfforg-prod-prime.s3.amazonaws.com/media/documents/HEA\\_Poverty\\_121918.pdf](https://jfforg-prod-prime.s3.amazonaws.com/media/documents/HEA_Poverty_121918.pdf).

<sup>136</sup> SUSAN J. LAMBERT, PETER J. FUGIEL & JULIA R. HENLY, U. CHI., SCHEDULE UNPREDICTABILITY AMONG EARLY CAREER WORKERS IN THE US LABOR MARKET: A NATIONAL SNAPSHOT 3 (Aug. 2014), *available at* [https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly\\_executive\\_summary.b\\_0.pdf](https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly_executive_summary.b_0.pdf).

<sup>137</sup> *Id.*

<sup>138</sup> NAT'L WOMEN'S LAW CTR. calculations based on U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE 22 PERSONS AT WORK IN NONAGRICULTURAL INDUSTRIES BY AGE, SEX, RACE, HISPANIC OR LATINO ETHNICITY, MARITAL STATUS, AND USUAL FULL- OR PART-TIME STATUS, <https://www.bls.gov/cps/cpsaat22.htm> (last modified Jan. 18, 2019).

<sup>139</sup> NOAH BERGER & PETER FISHER, ECON. POL'Y INST., A WELL-EDUCATED WORKFORCE IS KEY TO STATE PROSPERITY (Aug. 2013), <https://www.epi.org/publication/states-education-productivity-growth-foundations/>.

peers.<sup>140</sup> A recent study from the Government Accountability Office (GAO) found that having lower income was the number one risk for food insecurity among undergraduate students.<sup>141</sup>

SNAP has specific rules that determine which low-income students can receive food assistance.<sup>142</sup> According to the GAO, postsecondary officials and students report being confused by these student rules, which leads to lower SNAP enrollment.<sup>143</sup> BBCE reduces the already complex application process for students. Currently, 42 states and Washington, DC use BBCE to raise or eliminate the asset limit within SNAP. This reduces the chance for error in workers improperly counting financial aid and loans toward SNAP eligibility, when these financial sources go toward educational expenses and are not supposed to be included in SNAP's asset test.

If this proposed rule is finalized and implemented, then students applying for SNAP will experience an increased burden to make sure their assets are correctly counted. Students would have to provide proof of where the funds came from, and unfortunately, some students will be subjected to administrative error and oversight—possibly being incorrectly denied, based on the financial aid or loan for school being present in their bank account. Furthermore, the proposed rule will also make it more difficult for frontline workers in SNAP agencies to make clear eligibility determinations based on the increased paperwork that working students will have to provide as proof of their income and assets. Staff will have the increased burden of combing through detailed bank statements and letters from students to prove their SNAP eligibility.

Because this proposed rule adds complexity to the SNAP application process for student applicants and frontline workers processing SNAP applications, it could lead to a decrease in student applications based on the deterrent effect of complexity and/or improper SNAP denials based on workers improperly counting financial aid or loans in the asset test. This in turn can negatively affect students' school performance and participation.<sup>144</sup> In addition, it would make it harder for low-income families to save for their children's future college costs. This proposed rule will limit the ability of people with low incomes to successfully maintain SNAP and complete a postsecondary education

---

<sup>140</sup> "NAT'L CTR. FOR EDUC. STATISTICS, TABLE 302.30. PERCENTAGE OF RECENT HIGH SCHOOL COMPLETERS ENROLLED IN COLLEGE, BY INCOME LEVEL: 1975 THROUGH 2016 (Jul. 2017), [https://nces.ed.gov/programs/digest/d17/tables/dt17\\_302.30.asp?current=yes](https://nces.ed.gov/programs/digest/d17/tables/dt17_302.30.asp?current=yes).

<sup>141</sup> KATHRYN LARIN, U.S. GOV'T ACCOUNTABILITY OFFICE, FOOD INSECURITY: BETTER INFORMATION COULD HELP ELIGIBLE COLLEGE STUDENTS ACCESS FEDERAL FOOD ASSISTANCE BENEFITS (Dec. 2018), *available at* <https://www.gao.gov/assets/700/696254.pdf>.

<sup>142</sup> U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP): STUDENTS (Nov. 7, 2013), <https://www.fns.usda.gov/snap/students>; CARRIE WELTON, CTR. FOR LAW AND SOCIAL POL'Y, SNAP AND STUDENTS: FOOD ASSISTANCE CAN SUPPORT COLLEGE SUCCESS (Jan. 2019), <https://www.clasp.org/publications/fact-sheet/snap-and-students-food-assistance-can-support-postsecondary-success>.

<sup>143</sup> LARIN, *supra* note 141. A reported 57% of potentially eligible students (those who have low incomes, and at least one additional risk factor for food insecurity) did not access SNAP in 2016. *Id.* at 18.

<sup>144</sup> DUY PHAM, CTR. FOR LAW AND SOCIAL POL'Y, BENEFITS ACCESS FOR COLLEGE COMPLETION: LESSONS LEARNED FROM A COMMUNITY COLLEGE INITIATIVE TO HELP LOW-INCOME STUDENTS (Jul. 2016), <https://www.clasp.org/blog/benefits-access-postsecondary-completion-lessons-learned-community-postsecondary-initiative-help-low-income>.



that can lead to quality employment with family-sustaining wages<sup>145</sup> and employer sponsored healthcare and retirement savings.<sup>146</sup>

Because the proposed rule threatens SNAP for food insecure young adults and college students, USDA should withdraw this proposed rule and return to its mission of fighting hunger.

#### **IV. The proposed rule restricting BBCE would harm children and should be rejected.**

In its RIA of the proposed rule, USDA acknowledges that gutting BBCE will result in 7.4% of SNAP households children with children losing access to SNAP because they no longer meet its narrow income or asset requirements.<sup>147</sup> This means that an estimated 1.2 million children will no longer have access to SNAP benefits.<sup>148</sup> Unsurprisingly, the agency admits that the proposed rule's cuts to SNAP will harm food security.

Losing SNAP benefits will have a harmful impact on a diverse group of children:

- **Young children** living in food-insecure households are affected directly and indirectly.<sup>149</sup> As a direct result of food insecurity, young children may lack the nutrition they need during a crucial cognitive development and physical growth stage, leading to an increased risk of poor health, developmental delay, and hospitalization.<sup>150</sup> Indirectly, food-insecure parents of young children—especially mothers—who sacrifice their own nutritional needs for their children's, may experience depression, anxiety, and low energy levels, resulting in diminished parenting ability and potential behavioral problems in their children.<sup>151</sup> The loss of SNAP benefits pursuant to this proposed rule would therefore deeply impact young children.
- **Children of color** living in low-income, food-insecure households are more likely to be at risk of developmental delay than their counterparts living in low-income but food-secure households.<sup>152</sup> Due to the toll inadequate nutrition takes on early

---

<sup>145</sup> ELKA TORPEY, U.S. DEP'T OF LABOR, MEASURING THE VALUE OF EDUCATION (Apr. 2018), <https://www.bls.gov/careeroutlook/2018/data-on-display/education-pays.htm>.

<sup>146</sup> TERESA KROEGER & ELISE GOULD, ECON. POL'Y INST., THE CLASS OF 2017 (May 2017), <https://www.epi.org/publication/the-class-of-2017/>.

<sup>147</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>148</sup> CBPP IMPACT ESTIMATES, *supra* note 91.

<sup>149</sup> ELAINE WAXMAN ET AL., URBAN INST., WELLNESS CHECK: FOOD INSECURITY AMONG FAMILIES WITH INFANTS AND TODDLERS (June 2019), *available at* [https://www.urban.org/sites/default/files/publication/100376/wellness\\_check\\_food\\_insecurity\\_among\\_families\\_with\\_infants\\_and\\_toddlers\\_3.pdf](https://www.urban.org/sites/default/files/publication/100376/wellness_check_food_insecurity_among_families_with_infants_and_toddlers_3.pdf).

<sup>150</sup> *Id.*

<sup>151</sup> *Id.*

<sup>152</sup> JOINT CTR. FOR POL. & ECON. STUD. HEALTH POL'Y INST., THE IMPACT OF FOOD INSECURITY ON THE DEVELOPMENT OF YOUNG LOW-INCOME BLACK & LATINA CHILDREN 6 (MAY 2006), *available at* [https://childrenshealthwatch.org/wp-content/uploads/children\\_of\\_color\\_5\\_06.pdf](https://childrenshealthwatch.org/wp-content/uploads/children_of_color_5_06.pdf).

childhood development, food insecurity contributes to the achievement gap and may perpetuate the cycle of poverty into adulthood for low-income children of color.<sup>153</sup> Nutrition assistance programs mitigate the effects of poverty and food insecurity for low-income children of color,<sup>154</sup> and, conversely, the loss of food assistance that would result under the proposed rule could well exacerbate them.

- **Children in working families** are more likely to experience food insecurity and report poor health due to a reduction in or loss of SNAP benefits.<sup>155</sup>
- **Children in the care of grandparents** may be living with their elders because their parents could not provide for them.<sup>156</sup> The housing, health care, and child care costs that come with taking care of grandchildren can be significant.<sup>157</sup> Consequentially, assuming the role of caretaker—often times on short notice—places a financial strain on grandparents, especially those who are retired or semi-retired and have downsized their homes and budgets.<sup>158</sup> In a recent survey, 28% of caregiving grandparents use SNAP.<sup>159</sup> The loss of benefits precipitated by the proposed rule would throw these households into further financial jeopardy.
- **Teenagers** in food-insecure families often go hungry so their younger siblings can eat and look for ways to provide food and money for their households.<sup>160</sup> Food-insecure teenagers may also try to ease their hunger and make food last longer for their family by eating at friends' or relatives' homes and saving their school lunch for the weekend.<sup>161</sup> Losing SNAP benefits under this rule would further harm teenagers, who are at a critical stage in their growth and development.
- **Runaway and homeless youth** experiencing food insecurity are more likely to have been neglected and abused by caretakers, spend a lot of time on the streets, be isolated, and experience substance abuse.<sup>162</sup> The inconsistent food sources distinct to homelessness, combined with teenagers' unpredictable eating habits, put homeless teens at a higher risk for malnutrition.<sup>163</sup> Runaway and homeless youth acquire food through means such as borrowing money, getting food or money from relatives, utilizing social welfare resources, begging for money, theft, and survival

---

<sup>153</sup> *Id.*

<sup>154</sup> *Id.* at 8.

<sup>155</sup> LAXMI HAIGH, NUTRITION INSIGHT, U.S. FAMILIES WITH REDUCTION AND LOSS OF SNAP BENEFITS HAVE A HIGHER RISK OF FOOD INSECURITY AND POOR HEALTH (May 8, 2019), *available at* <https://childrenshealthwatch.org/us-families-with-reduction-and-loss-of-snap-benefits-have-a-higher-risk-of-food-insecurity-and-poor-health/>.

<sup>156</sup> CHRISTINE STANIK, ALTARUM CTR. FOR BEHAVIORAL HEALTH, COLLATERAL DAMAGE OF THE OPIOIDS CRISIS 2-3 (2018), *available at* <https://altarum.org/sites/default/files/uploaded-publication-files/Altarum-Research-Brief-Collateral-Damage-of-the-Opioid-Crisis-Dec1218.pdf>.

<sup>157</sup> *Id.* at 3.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.* at 3-4.

<sup>160</sup> SUSAN J. POPKIN ET AL., URBAN INST., IMPOSSIBLE CHOICES: TEENS AND FOOD INSECURITY IN AMERICA V (Sept. 2016), *available at* [https://www.urban.org/sites/default/files/publication/83971/impossible-choices-teens-and-food-insecurity-in-america\\_1.pdf](https://www.urban.org/sites/default/files/publication/83971/impossible-choices-teens-and-food-insecurity-in-america_1.pdf).

<sup>161</sup> *Id.*

<sup>162</sup> LES B WHITBECK ET AL., NAT'L INSTS. OF HEALTH, FOOD INSECURITY AMONG HOMELESS AND RUNAWAY ADOLESCENTS 6 (Feb. 2006), *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2575688/pdf/nihms-73315.pdf>.

<sup>163</sup> *Id.* at 1.

- sex.<sup>164</sup> The proposed rule's elimination of SNAP benefits for these young people would further place their health and well-being at risk.
- **Children with disabilities** are more likely to be food insecure than children without disabilities.<sup>165</sup> Due to the special diets children with disabilities often require, food insecurity puts these children at risk for health and developmental problems when families cannot afford the food their children need.<sup>166</sup> Increasing SNAP benefits for families with children who have disabilities would decrease the risk of food insecurity,<sup>167</sup> while cutting their SNAP benefits, as this proposed rule would do, would have the opposite effect.
  - **Children receiving free school meals** could face a two-fold impact on their access to a nutritious diet. Children who lose SNAP could also lose their access to free school meals. The proposed rule failed to include the rule's impact on the School Breakfast Program and National School Lunch Program in its Regulatory Impact Analysis, but there are reports that the rule would jeopardize automatic access to free school meals for more than 500,000 students.<sup>168</sup> SNAP and school meals play complementary roles in fighting child food insecurity.<sup>169</sup> SNAP helps remove barriers to participation in school meals.<sup>170</sup> The loss of daily, nutritious breakfast and lunch, coupled with the familial loss in SNAP benefits, will put children from low-income families at further risk for food insecurity and poor health and educational outcomes. Moreover, the snowball effect of losing multiple sources of support can threaten the health and development of children and the mental and physical health of parents and destabilize household finances for families across the nation.
  - **Infants and young children receiving WIC** could also face a two-fold impact from the proposed rule. WIC provides grants to states for supplemental food, health care referrals, and nutrition education for infants and children up to age five, as well as low-income pregnant, breastfeeding, and postpartum women. Thus far in FY 2019, WIC has served more than more than 1.6 million infants and nearly 3.3 million children overall on average each month.<sup>171</sup> SNAP and WIC work together to provide critical nutrition support for these infants and young children. As noted earlier,

---

<sup>164</sup> *Id.* at 6.

<sup>165</sup> KATHLEEN ROMIG, CTR. ON BUDGET & POL'Y PRIORITIES, YOUNG PEOPLE WITH DISABILITIES VULNERABLE TO FOOD INSECURITY (Sept. 26, 2016), <https://www.cbpp.org/blog/young-people-with-disabilities-vulnerable-to-food-insecurity>.

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> Press Release, Congressman Bobby Scott, Chairman Scott to Secretary Purdue: Release Internal Estimates Showing Impact of Proposed SNAP Changes on Free School Meals (July 29, 2019) (on file with author), *available at* <https://bobbyscott.house.gov/media-center/press-releases/chairman-scott-to-secretary-perdue-release-internal-estimates-showing>.

<sup>169</sup> KATHERINE RALSTON ET AL., U.S. DEP'T OF AGRIC., ECON. RES. SERV., CHILDREN'S FOOD SECURITY AND USDA CHILD NUTRITION PROGRAMS (Jun. 2017), *available at* <https://www.ers.usda.gov/webdocs/publications/84003/eib-174.pdf>.

<sup>170</sup> MADELEINE LEVIN & JESSIE HEWINS, SHRIVER CTR. ON POVERTY LAW, UNIVERSAL FREE SCHOOL MEALS: ENSURING THAT ALL CHILDREN ARE ABLE TO LEARN (2014), <https://www.povertylaw.org/clearinghouse/articles/meals>.

<sup>171</sup> U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV., SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC), MONTHLY DATA – AGENCY LEVEL, PARTICIPATION AND PROGRAM COSTS BY CATEGORY PER PERSON, <https://www.fns.usda.gov/pd/wic-program> (last visited June 17, 2019). FY 2019 data are preliminary.

Congress has allowed for SNAP, Medicaid, and TANF participation to reduce the administrative process when certifying individuals for WIC. Taking SNAP benefits away from low-income mothers and, depending on their circumstances, either taking away their WIC as well or increasing the burden they face in applying for WIC will have detrimental impacts on the health and development of infants and young children.

For all these reasons, the Center urges USDA to withdraw this proposed rule and return to a focus on feeding hungry children.

## **V. The proposed rule will increase administrative costs.**

Under BBCE, states and families save time and administrative burden so that families do not have to perform duplicative application processes.

### **A. The proposed rule will force families who would still qualify for SNAP under the proposed rule spend more of their limited and valuable time filling out paperwork to apply for basic food benefits.**

USDA acknowledges that the majority of SNAP households will remain income and asset eligible for the program. According to Congressional Research Service analysis, an additional 17.2 million households will “undergo a more burdensome application process.”<sup>172</sup> The real-life consequences of this burden is that low-wage working women with unpredictable schedules and limited time off, women with transportation and/or language barriers, and women who have difficulty accessing child care will simply face a new, unnecessary obstacle in accessing the program. Ultimately, they may not receive SNAP even though they are eligible.

By USDA’s own estimates, if the proposed rule were implemented, “households that remain eligible for SNAP and new SNAP applicants will face additional burden associated with the application process, at a cost of approximately \$5 million annually.”<sup>173</sup> The low-income women who are struggling to make ends meet and put food on the table for their families have no margin for error. These women, children, and families do not need additional burdens on their time and resources, such as those that would result from this proposed rule. Applying for benefits like SNAP can already be time-consuming; many women must endure long wait times, usually during times when they would be working or taking care of their families. Because of this harmful impact on even the people who would remain for SNAP under this proposed rule, USDA should withdraw this proposal.

---

<sup>172</sup> CONG. RES. SERV., THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP): CATEGORICAL ELIGIBILITY 18 (Aug. 2019), *available at* <https://fas.org/sqp/crs/misc/R42054.pdf>.

<sup>173</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

Additionally, 33% of WIC participants are adjunctively eligible for the program thanks to their participation in SNAP.<sup>174</sup> USDA does not provide an estimate for how the loss of SNAP under the proposed rule might also impact participation in WIC. As noted above, SNAP plays an important role in reducing women and children’s participation in WIC.<sup>175</sup>

### **B. The proposed rule increases states’ administrative costs.**

BBCE serves to reduce states’ administrative expenses (SAE). Based on a model of state administrative expenditures developed on behalf of the USDA, BBCE lowered SAE by seven percent.<sup>176</sup> BBCE creates opportunities for states to reduce expenses by implementing less burdensome recertification processes. By relaxing asset limits so people can stay on SNAP even when they manage to save a modest amount, states reduce SNAP “churn” (how households cycle between eligibility and ineligibility for SNAP).<sup>177</sup> Without BBCE, state administrators must conduct asset tests more frequently and spend more time recertifying households, thus increasing states’ costs and the administrative burden on state employees.

This proposed rule will affect over 40 states that currently use BBCE to streamline eligibility and simplify SNAP administration.<sup>178</sup> The increase in costs would offset potential savings, and we do not entirely understand how this will affect state expenses. Given that states and the federal government share the administrative cost burden for SNAP, the fiscal impact of the proposed rule on states cannot be overlooked. Strategies to simplify eligibility and recertification processes were developed to address both churn and administrative costs, and the USDA has a responsibility to assess the potential impact this change will have on state resources, including funding and increased demands on the workforce. To fully and accurately assess the impact of this potential rule, USDA must engage state SNAP administrators in its analysis. The proposed rule inhibits states’ ability to establish programs that meet the needs of their residents and operate within their current employee resources; the potential harm to state budgets is unknown and, as a result, the proposed should not be withdrawn.

### **C. The proposed rule will negatively impact high-needs schools that offer free school meals to all students.**

The proposed rule also could have a negative impact on the ability of high-needs schools to offer free breakfast and lunch to all students. Community eligibility uses the number of children directly certified for free school meals, primarily due to participation

---

<sup>174</sup> BETSY THORN ET AL., U.S. DEP’T OF AGRIC., FOOD AND NUTRITION SERV., WIC PARTICIPANT AND PROGRAM CHARACTERISTICS 2016, at 32 (Apr. 2018), available at <https://fns-prod.azureedge.net/sites/default/files/ops/WICPC2016.pdf> (Table 3.1).

<sup>175</sup> HENCHY, *supra* note 96.

<sup>176</sup> DANIEL GELLER ET AL., MANHATTAN STRATEGY GROUP & URBAN INST., EXPLORING THE CAUSES OF STATE VARIATION IN SNAP ADMINISTRATIVE COSTS, U.S. DEP’T OF AGRIC., FOOD AND NUTRITION SERV. (Feb. 2019), available at <https://fns-prod.azureedge.net/sites/default/files/media/file/SNAP-State-Variation-Admin-Costs-FullReport.pdf>.

<sup>177</sup> RATCLIFFE ET AL., *supra* note 71.

<sup>178</sup> DIANE SCHANZENBACH, NORTHWESTERN U., WHO WOULD BE AFFECTED BY PROPOSED CHANGES TO SNAP?, ECONOFACT (Aug. 1, 2019), <https://econofact.org/who-would-be-affected-by-proposed-changes-to-snap>.

in SNAP, to determine if a school is eligible to implement the provision and to set the federal funding for school breakfast and lunch that a school will receive. Community eligibility's reliance on SNAP direct certification means that some high-needs schools may no longer be eligible or may not find it financially viable to adopt community eligibility. The Regulatory Impact Analysis of the proposed rule failed to determine the impact of the proposed rule on community eligibility. Already, three in four school districts are dealing with unpaid school meals fees.<sup>179</sup> The proposed rule likely will increase school meals debt, as struggling families lose SNAP benefits and free school meals for their children.

## **VI. The proposed rule will undermine the ability of SNAP to respond to future recessions, hurting families, businesses, and the economy writ large.**

SNAP has a countercyclical economic effect – that is, enrollment in the program, and, as a result, the amount of SNAP benefits, increases during difficult economic times. Increased SNAP spending has been demonstrated to have a “multiplier effect” during economic downturns. As mentioned earlier, economic studies estimate that \$1 of SNAP benefits leads to between \$1.50 and \$1.80 in total economic activity during a recession.<sup>180</sup> In particular, increased SNAP spending has a highly positive impact on manufacturing and trade and transportation sectors,<sup>181</sup> as well as health and social services, agriculture, and other sectors.<sup>182</sup>

However, the proposed rule would put local businesses and economies in a less advantageous position in advance of a future recession, undercutting the positive economic effect that SNAP has during an economic downturn. USDA estimates that the proposed rule will cut SNAP by \$9.4 billion over 2019-2023.<sup>183</sup> Cutting SNAP benefits, as the proposed rule would do, will cause families shift more of their income to spending on food, reducing their spending on other essentials.<sup>184</sup> This means that families will be

---

<sup>179</sup> SCHOOL NUTRITION ASS'N, SCHOOL NUTRITION OPERATIONS REPORT (2018). For additional information on the seriousness of the school meal debt and attendant “lunch shaming” in the United States, see U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV., REPORT TO CONGRESS: REVIEW OF LOCAL POLICIES ON MEAL CHARGES AND PROVISION OF ALTERNATE MEALS (Jun. 2016), available at <https://fns-prod.azureedge.net/sites/default/files/cn/unpaidmealcharges-report.pdf> (exploring unpaid school meal debt); FOOD RES. & ACTION CTR., UNPAID SCHOOL MEALS FEES: A REVIEW OF 50 LARGE SCHOOL DISTRICTS' POLICIES (Sept. 2017), available at <http://www.frac.org/wp-content/uploads/unpaid-school-meal-fees-review-50-large-district-policies.pdf> (describing experiences many children whose school lunch accounts are in arrears have in cafeterias); SCHOOL NUTRITION ASS'N, 2019 SCHOOL NUTRITION TRENDS FULL REPORT (2019), available at <https://schoolnutrition.org/2019-school-nutrition-trends-summary-report/> (reporting on impact of unpaid school meal fees on school nutrition finances); U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV., Special Nutrition Program Operations Study: State and School Food Authority Policies and Practices for School Meals Programs School Year 2011-12 (Mar. 2014), available at <https://fns-prod.azureedge.net/sites/default/files/SNOPSYear1.pdf> (exploring the various actions that school districts take when a family accrues debt, finding that 60 percent of districts provide an alternative meal and that 35 percent take an administrative action such as withholding grades).

<sup>180</sup> See CANNING & STACY, *supra* note 64.

<sup>181</sup> *Id.* at 24.

<sup>182</sup> *Id.* at 25.

<sup>183</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>184</sup> SCHANZENBACH, *supra* note 178.

spending less in local businesses, putting those enterprises in a more precarious financial position before a likely recession. The United States Conference of Mayors noted that this proposal's reduction of SNAP spending will harm local economies,<sup>185</sup> more broadly, which means that in the event of a recession, more, rather than less, stimulus spending will be required to stabilize them. In sum, the fact that the proposed rule would *reduce* the amount of SNAP spending before an anticipated recession, with detrimental economic effects on local businesses and economies, could hamper the significant positive economic stimulus impact of increased SNAP spending triggered by the onset of a recession.

Given the potential for a recession on the horizon, cutting SNAP benefits for millions of people is the exact opposite of what USDA should do to help families, business, and the economy at large thrive.

## **VII. This proposed rule aims to unlawfully and arbitrarily narrow SNAP BBCE.**

### **A. Congress has not granted USDA authority to unilaterally change SNAP BBCE based on the receipt of TANF-funded benefits and has rejected such changes.**

Through Section 5(a) of the Food and Nutrition Act, Congress established categorical eligibility through TANF-funded benefits: "...[H]ouseholds in which each member receives benefits under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.)...shall be eligible to participate in the supplemental nutrition assistance program."<sup>186</sup> Congress did not, however, grant the Secretary of Agriculture any discretionary authority to limit the *types* of benefits "funded under part A of title IV of the Social Security Act" that can grant a SNAP applicant categorical eligibility status. Congress, through part A of title IV of the Social Security Act, gave states broad authority to use TANF funding to design and offer a variety of programs, benefits, and services to eligible households, as long as they further the purpose of TANF.<sup>187</sup> The language of Section 5(a) is clear and in no way suggests that the Secretary of Agriculture can limit categorical eligibility to exclude some of the benefits "funded under part A of title IV of the Social Security Act," yet that is exactly what this proposal attempts to do.

In October 1990, Congress did direct the Secretary to limit the types of General Assistance (GA) benefits that can also confer categorical eligibility:

[H]ouseholds in which each member receives benefits under a State or local general assistance program *that complies with standards established by the Secretary* for ensuring that the program is based on income criteria comparable to or more restrictive than those under subsection (c)(2), and not limited to one-time emergency payments that cannot be provided for

---

<sup>185</sup> Letter from the United States Conference of Mayors to Jessica Shahin (Aug. 21, 2019), *available at* <https://www.usmayors.org/wp-content/uploads/2019/08/Mayors-SNAP-Letter-Final.pdf>.

<sup>186</sup> 7 U.S.C. § 2014(a).

<sup>187</sup> 42 U.S.C. § 601(a)

more than one consecutive month, shall be eligible to participate in the supplemental nutrition assistance program.<sup>188</sup>

This authority was granted to the Secretary for the GA type of categorical eligibility less than six years before TANF was created in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. Congress could have, just a few years later in 1996, granted the Secretary discretionary authority to decide which types of TANF-funded benefits can be included in SNAP BBCE and which cannot. But Congress did not do so. The Senate version of PRWORA would have given the Secretary discretion to set TANF-based categorical eligibility standards,<sup>189</sup> but the conferees did not accept this language, and the final PRWORA bill did not grant the Secretary any discretion to limit TANF-based categorical eligibility. Consequently, the Food and Nutrition Act does not give the USDA discretion to limit BBCE as USDA proposes in this rulemaking.

Congress also has not modified BBCE in more than 20 years. Congress had the opportunity to do so during four reauthorizations of SNAP through the 2002, 2008, 2014, and 2018 farm bills that extended SNAP and certain other agriculture programs. In 2002 and 2008, Congress improved SNAP for working families by reversing some of PRWORA's deep cuts to SNAP and offering states new options to simplify the application process. These congressional actions run directly counter to this proposed rule, which USDA acknowledges would cut SNAP benefits for 3.1 million families. In 2014 and 2018, Congress identified particular aspects of SNAP for which program oversight should be enhanced,<sup>190</sup> but did not grant the Secretary authority to change BBCE. Furthermore, Congress rejected efforts to roll back BBCE in the Deficit Reduction Act of 2005, the 2012 reconciliation bill, the 2014 reconciliation bill, the 2014 farm bill, and the 2018 farm bill.

Because Congress did not delegate authority to the Secretary to decide which types of TANF-funded benefits can be included in SNAP BBCE (and which cannot), and because Congress has rejected opportunities to roll back BBCE legislatively, this proposed rule is beyond the scope of USDA's authority and is directly counter to congressional intent.

---

<sup>188</sup> 7 U.S.C. § 2014(a) (emphasis added).

<sup>189</sup> See H.R. 4, 104th Cong. § 107 (as passed by the Senate, Sept. 19, 1995), *available at* <https://www.congress.gov/104/bills/hr4/BILLS-104hr4eas.pdf>. The section included the same conforming language to section 5(j) of the Food Stamp Act.

<sup>190</sup> In 2014, Congress disqualified individuals who intentionally used SNAP benefits to buy beverages in returnable bottles and subsequently got rid of the beverage and returned the bottle to get cash. Agriculture Act of 2014 § 4001, 7 U.S.C. § 2012(k). Congress also removed eligibility for lottery winners with "substantial winnings." Agriculture Act of 2014 § 4009, 7 U.S.C. § 2015(s). In 2018, Congress expanded a data match pilot to a national data match program to prevent duplicate SNAP participation. Agriculture Improvement Act of 2018 § 4011, 7 U.S.C. § 2020(x).



## **B. USDA's rationale for its proposed rule is arbitrary and fails to adequately consider the harms.**

Even if the USDA had the authority to rule make on this issue, USDA's proposed rule is arbitrary and capricious because its purported rationale for these changes is pretextual and has no basis in fact.

The USDA's stated rational for these changes is that the current system "compromises program integrity" and "reduces public confidence" and that we need a "clearer and more consistent nationwide policy."<sup>191</sup> However, this rational is unsupported by the purported evidence. Specifically, the reports cited by the USDA regarding these program integrity issues in the NPRM are from 2010 and 2015 -- before, as the USDA itself mentions, the USDA issued a clarifying memo to states on December 27, 2016.<sup>192</sup> The USDA does not acknowledge that the program integrity issues improved following that memo. Similarly, the use of BBCE by 42 states and territories does not suggest that there is reduced public confidence in BBCE or suggest that a clear national standard would be helpful.

In addition, the proposed rule does little to create a "clearer and more consistent nationwide policy." Instead, it creates inconsistent distinctions between similarly situated households across, and sometimes within, states. The proposed "substantial and ongoing" limitation to TANF-funded cash assistance creates a patchwork, arbitrary regime that would grant some families receiving cash assistance from TANF eligibility for BBCE, but deny it to others receiving cash assistance.<sup>193</sup> The proposed rule creates another arbitrary regime in which some families accessing non-cash TANF-funded benefits would be eligible for BBCE, while others are not, because of the restriction of non-cash benefits to employment subsidies, work supports, and child care subsidies.<sup>194</sup> The latter aspect of the proposed regime does not take into account the fact that families' ability to access child care subsidies, for example, varies greatly across states.<sup>195</sup> The rule also fails to consider the barriers women, children, and families living paycheck to paycheck encounter in accessing these programs.

---

<sup>191</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35570.

<sup>192</sup> Memo from Lizbeth Silbermann to Regional Directors, Clarification on Characteristics of Broad-Based Categorical Eligibility Programs (Dec. 27, 2016), *available at* <https://fns-prod.azureedge.net/sites/default/files/snap/clarification-bbce-memo.pdf>.

<sup>193</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35573.

<sup>194</sup> *Id.*

<sup>195</sup> See, e.g., PAMELA HOLCOMB ET AL., THE URBAN INST., CHILD CARE SUBSIDIES AND TANF: A SYNTHESIS OF THREE STUDIES ON SYSTEMS, POLICIES, AND PARENTS (2006), *available at* <https://www.urban.org/sites/default/files/publication/50506/311302-child-care-subsidies-and-tanf.pdf> (documenting challenges families face in accessing child care subsidies through TANF); GINA ADAMS ET AL., CHILD CARE SUBSIDIES AND LEAVING WELFARE: POLICY ISSUES AND STRATEGIES (2006), *available at* <https://www.urban.org/sites/default/files/publication/50516/311304-child-care-subsidies-and-leaving-welfare.pdf> (documenting how different states have different priorities for which eligible families receive child care subsidies based on insufficient funding across states, as well as other barriers to accessing child care subsidies).

This proposed rule is also arbitrary because it does not contain sufficient analysis of how these changes will affect people who rely on the program. The USDA estimates that the proposed rule will cause 3.1 million people to lose access to food and states that “[t]he proposed rule may also negatively impact food security and reduce the savings rates among those individuals who do not meet the income and resource eligibility requirements for SNAP or the substantial and ongoing requirements for expanded categorical eligibility.”<sup>196</sup> While this is a significant number, it likely vastly understates the proposed rule’s impact.

This is because the USDA estimates did not include populations that are likely to experience negative impacts under the proposed rule. For example, the USDA’s Regulatory Impact Analysis (RIA) estimates do not include any estimates of how many children would lose free and reduced-price meal eligibility or how many of the 28,500 high-poverty schools who utilize community eligibility based on SNAP would lose that status. Press reports and Congressional communications suggest that the Administration has a technical estimate that 500,000 children will lose eligibility for free and reduced-price meals, but this estimate was not included in USDA’s analysis of the impact of the rule.

In addition, the NPRM and RIA fail to fully analyze the impact of the proposed rule on households with people with disabilities and different types of households with or without children. The NPRM and RIA lacks the deep analysis that is needed to fully assess the impact of the proposed rule on women, mothers, people of color, LGBTQ people, survivors, and other marginalized populations who rely on SNAP. In addition, as discussed in more depth above, the NPRM and RIA fail to discuss how other state and federal programs will be impacted by the changes to SNAP, how state economies will be impacted by the creation of a new benefit cliff, or how the loss of SNAP benefits will impact rural communities specifically. These estimates are all necessary components of any assessment of the impact of the proposal.

It is incumbent upon USDA to do a full and complete impact analysis, especially when it is proposing a rule that will cause a *minimum* of 3.1 million people to lose access to SNAP and is directly counter to the purpose of SNAP, which is to alleviate hunger and malnutrition among low-income families with “limited food purchasing power” by “permit[ting] low-income households to obtain a more nutritious diet through normal channels of trade by increasing food purchasing power for all eligible households who apply for participation.”<sup>197</sup> This lack of thorough analysis and consideration of the harms of this proposed rule is irresponsible, appalling, and against the mission of SNAP, free school meals, and WIC.

It is clear that the USDA has issued a deeply flawed proposed rule, which should be withdrawn.

---

<sup>196</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>197</sup> 7 U.S.C § 2011. See also U.S. DEP’T OF AGRIC., FOOD AND NUTRITION SERV., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), <https://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program> (last accessed Sept. 23, 2019) (stating that “SNAP provides nutrition benefits to supplement the food budget of needy families so they can purchase healthy food and move towards self-sufficiency”).

## VIII. USDA should withdraw this harmful proposed rule restricting BBCE.

By USDA's own estimates, the proposed rule would cut SNAP benefits over five years by \$10.543 billion, while increasing SNAP administrative costs by \$2.314 billion.<sup>198</sup> USDA also estimates that \$5 million per year in additional administration burden would be borne by people who would still be eligible for SNAP.<sup>199</sup> Furthermore, USDA concedes, "The proposed rule may also negatively impact food security and reduce the savings rates among those individuals who do not meet the income and resource eligibility requirements for SNAP or the substantial and ongoing requirements for expanded categorical eligibility."<sup>200</sup> This USDA calculation does not even include the impact on children who will lose access to free school meals, nor does it include a full civil rights impact analysis.

States have been using BBCE for more than 20 years to effectively provide food assistance to low-income women, children, and families. The Center strongly opposes the proposed rule that would cut food benefits, increase food insecurity, and harm our community.

Sincerely,



Melissa Boteach  
Vice President for Income Security and Child Care/ Early Learning  
National Women's Law Center



Amy K. Matsui  
Senior Counsel & Director of Income Security  
National Women's Law Center



Sarah Hassmer  
Senior Counsel for Income Security  
National Women's Law Center

---

<sup>198</sup> Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP), 84 Fed. Reg. at 35575.

<sup>199</sup> *Id.*

<sup>200</sup> *Id.*