



March 27, 2019

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

RE: Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents (ABAWDs) Proposed Rule RIN 0584-AE57, Docket No. FNS-2018-0004 7 CFR Part 273 Citation 84 Fed. Reg. 980 (Feb. 1, 2019)

Dear Sir or Madam:

Catholic Charities USA (CCUSA), the United States Conference of Catholic Bishops (USCCB), and the National Council of the United States Society of St. Vincent de Paul appreciate the opportunity to provide comments to the United States Department of Agriculture Food and Nutrition Service's above-referenced notice of proposed rulemaking.

While we welcome efforts to strengthen the implementation of the Supplemental Nutrition Assistance Program (SNAP) to provide greater self-sufficiency, we are deeply concerned that the proposed rule would negatively impact access to necessary food and nutrition assistance while doing little to support access to programs that promote self-sufficiency. We therefore urge you to withdraw or modify the rule so that it protects access to necessary food and nutrition programs and adheres to the bipartisan policies implemented in the recently passed 2018 Farm Bill.

CCUSA is a national membership organization representing more than 167 diocesan Catholic Charities member and affiliate agencies. These member agencies operate more than 3,000 service locations across the 50 states and five U.S. territories. The diverse array of social services offered by agencies reached more than 10 million individuals in need last year almost half of whom came in need of food and nutrition assistance.

The U.S. Conference of Catholic Bishops (USCCB) is a nonprofit corporation whose members are the active Catholic Bishops of the United States. USCCB advocates and promotes the pastoral teachings of the U.S. Catholic Bishops in diverse areas of the nation's life. USCCB's Committee on Domestic Justice and Human Development assists the bishops in advancing the social mission of the Church through policy advocacy, education, and outreach in support of the Church's anti-poverty efforts.

The Society of St. Vincent de Paul is a national network of more than 98,000 volunteers committed to growing in holiness and building a more just world through personal relationships with and service to people in need. In 2017, Vincentians in over 4,400 communities served 5.4 million people with over \$3.4 billion in cash, in kind, and volunteer services combined.

As informed by Catholic Social Teaching, we are committed to advancing policies that support the integral development of individuals. We believe that access to food is a fundamental human right and basic need and support identifying the most effective policies to ensure adequate food, nutrition and economic stability for all individuals and families. We also support policies which provide greater support for individuals and families so that they can learn the skills necessary to contribute to the well-being of their families and communities. Unfortunately, as written, the proposed regulation provides only barriers to food assistance while providing little to no additional support for those who would now be required to participate in education and training programs in order to continue to receive food assistance.

While Catholic Charities agencies across the country provide critical services such as food to those in need, federal food assistance programs, such as SNAP for able-bodied adults without dependents (ABAWDs), are crucial to ensuring that all individuals in need have access to adequate food. Federal nutrition programs deliver more than 10 times the amount of food assistance as charitable sources. The Supplemental Nutrition Assistance Program is the first line of defense against hunger for those struggling to make ends meet. In 2018, SNAP served more than 39 million people throughout the nation.¹ If implemented, the proposed rule would impact an estimated 1.2 million SNAP participants, 88 percent of whom have a household income at or below 50 percent of the poverty level and one-third of whom have an average monthly household income of \$557.² In addition to playing a critical role in addressing hunger, every \$1 billion in SNAP expenditures generates \$1.79 billion each year in economic activity.³ For its part, Catholic Charities agencies across the country provide food assistance to more than 5 million people per year.

The state's ability to request waivers is critical to areas of high unemployment and lack of jobs. Efforts to limit waivers for ABAWDs should include careful consideration of individuals who have fallen on hard times and are struggling to find a way out of poverty and should give due priority to ensuring that all people have access to necessary food and nutrition. In addition, we recommend prioritization of communities designated as having a "lack of sufficient jobs" for inclusion in other federal and state economic improvement and business development zone designations. This coordination in programs, such as the designated Opportunity Zone program, would provide a clear policy linkage to encourage gainful employment among ABAWDs through leveraging private investment in order to develop new jobs and economic opportunities in underserved and high unemployment communities. Furthermore, procurement policies could be improved to give preferential status to employers in low employment communities.

¹ United States Department of Agriculture: Food and Nutrition Service, Supplemental Nutrition Assistance Program, (March, 9, 2019), retrieved at <https://fns-prod.azureedge.net/sites/default/files/pd/34SNAPmonthly.pdf>

² Cunyngnam, Karen, "Proposed Changes to the Supplemental Nutrition Assistance Program: Waivers to Work-Related Time Limits," Mathematica Policy Research, March 2019.

³ "Economic Linkages." *USDA ERS - Economic Linkages*, www.ers.usda.gov/topics/food-nutrition-assistance/supplemental-nutrition-assistance-program-snap/economic-linkages/.

Proposed elimination of LSA standard and creation of 7% unemployment floor for waivers

Under the recently passed Agriculture Improvement Act of 2018, Pub. L. No. 115-334, ABAWDs between the ages of 18-49 can receive SNAP for a limited amount of time unless they meet work requirements which show they are working or participating in a qualifying education and training activity of at least 80 hours per month.

States are able to request waivers from these time limits by showing: (1) a recent 12-month unemployment rate above 10 percent; (2) a recent 3-month unemployment rate above 10 percent; designation as a Labor Surplus Area (LSA) by the Department of Labor; (3) Qualification for extended unemployment benefits; or (4) a recent 24-month average unemployment rate 20 percent above the national average for the same 24-month period. Among other changes, the proposed rule proposes to eliminate the designation as a LSA option for states and would establish a new 7% unemployment floor for states using option 4 – the 20 percent above national average criteria.

During debate on the Agriculture Improvement Act of 2018, proposals to create a new unemployment floor, as set out in the proposed rule,⁴ were specifically debated in the House and adopted by the House passed bill. See Agriculture and Nutrition Act of 2018, H.R. 2, 115th Cong. § 4015 (F)(III) (as passed by House, June 21, 2018). However, this provision was ultimately rejected by the bipartisan and bicameral conference agreement which ultimately passed both chambers of Congress and was signed by the President. The rule's proposal to create a new 7 percent floor to the 20 percent state waiver standard is therefore clearly beyond the scope of the rulemaking process and would ignore the clear intent of Congress not to include the provision.

We recognize the effort to strengthen waiver processes for SNAP recipients but such efforts must be taken in accordance with the mandate established by Congress and with respect to the challenges faced by so many ABAWDs that are economically disadvantaged. If the proposed rule is fully implemented, it would mean an estimated 89 percent of ABAWDs would live in areas ineligible for a waiver. If an even higher unemployment floor of 10 percent were implemented, it would mean 98 percent of people would live in areas unable to meet the waiver requirement.⁵ This would mean more than 755,000 individuals would lose SNAP benefits over three years if they are unable to find work or enroll in a state approved employment and training program. The loss of SNAP benefits for these individuals does not mean their food assistance has been addressed; instead it often means a large number of individuals relying on charitable and food pantries to meet their basic needs. This is a cost that the charitable sector will yet again be asked to meet.

⁴ Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 980, 992 [proposed section 273.24(f)(ii)].

⁵ *Id.* at 984.

As you consider the proposed changes that will lead to more individuals losing access to SNAP assistance, please keep in mind that most food programs already are unable to meet the ongoing need for assistance. In addition, without additional investment and resources, requiring individuals to participate in often already underfunded and ineffective state education and training programs will result in individuals losing access to food and making little progress to attain self-sufficiency.

Instead of working to reduce access to food as a means of achieving self-sufficiency, the USDA should work towards fully implementing many of the reforms included in the Agriculture Improvement Act of 2018 which would strengthen state education and training programs and provide more meaningful and effective means for assisting individuals in preparing for and finding dignified work. States should be encouraged to coordinate economic and community development in such a way to prioritize employment access and training for low-income communities. This includes labor investments such as through the Workforce, Innovation and Opportunity Act (WIOA), postsecondary educational expenditures, and public transportation investments. States should work to develop policies that link social services and private employers hiring practices through entities like social enterprises, transitional hiring partnerships, and case management in order to encourage employment and job retention for ABAWDs as they work to overcome barriers to employment.

In addition, states should also be encouraged to support SNAP case management specifically for ABAWDs as they are engaged in a job training program, supportive social enterprise employment, or as they transition back into the workforce with a private employer. The USDA and states should also place greater priority in providing access to transportation and continued use of flexible waivers in places where employment and education and training initiatives require long-distance transportation.

Proposed restrictions on States combining groups in sub-state areas

Under current regulation 7 C.F.R. § 273.24(f)(6), the USDA provides flexibility to states to define the areas covered by ABAWD waivers. This flexibility allows states to combine data to group two or more sub-state areas, such as counties, together when calculating an unemployment rate representative of the whole group. These areas must be contiguous and share the same federal or state recognition as an economic region. This flexibility has allowed states to better tailor their waiver requests to meet the economic and transportation realities of a given region.

Under the proposed rule, the USDA proposes restricting this flexibility by requiring that a state only combine data from individual areas that are collectively considered to be a Labor Market Area by DOL.⁶

We are concerned that the proposed change in data will reduce subsidiarity and fail to adequately respond to the various changing transportation and labor needs in a specific area or region. Although jobs may exist in a given regional labor market, they may be impossible to attain in their local community, or an area may lack basic support systems such as reliable transportation

⁶ 84 Fed. Reg. at 992 [proposed section 273.24 (f)(5)].

to and from work. ABAWDs often also face additional unique barriers to reentering the labor market such as a history of incarceration or homelessness, current or former substance abuse, or mental illness. Rather than a definition based on a static metric of regional unemployment, special consideration should be given to these barriers that keep specific populations from attaining existing jobs in communities that have opportunities for employment. In addition, States should be allowed to consider accessibility of regional public transportation, the specific types of industries experiencing employment growth, and whether local educational attainment would give the local population access to those opportunities.

Conclusion:

The bipartisan Agriculture Improvement Act of 2018 passed by the Congress made key investments to food access for those in need, including ABAWDs. These investments included increased funding in employment and training as well as funding set aside to help those with significant barriers to unemployment. The proposed rule undermines the clear intent of Congress, disrespects subsidiarity by superseding the states' role in setting standards for themselves, and will increase food insecurity and demands on the charitable sector. For these reasons, we urge you to withdraw or modify the rule so that it protects access to necessary food and nutrition programs and adheres to the bipartisan policies implemented in the recently passed 2018 Farm Bill.

Respectfully submitted,



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