MAZON: A Jewish Response to Hunger, applauds the U.S. House Committee on Oversight and Reform's Subcommittee on Economic and Consumer Policy for holding today's hearing to call attention to the Trump Administration's proposed rule change to “revise” Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP). We unequivocally oppose this rule change proposal, which would restrict states' flexibility to provide vital nutrition support to people who struggle to feed themselves and their families, and furthermore would jeopardize free school meals for nearly one million children.

On September 20, 2019, MAZON submitted formal comments to the U.S. Department of Agriculture, which outlined the full scope of our concerns regarding this proposal (see Appendix A for the full document). MAZON is keenly aware that large groups of Americans who are already vulnerable will be particularly harmed by this proposal—including children in currently-serving military families, children in Indian Country, and those living in rural and remote communities.

On October 25, 2019, MAZON submitted additional formal comments to the U.S. Department of Agriculture upon the reopening of the comment period (see Appendix B for the full document). We urged the Administration to withdraw this ill-considered proposed change, citing impacts to the Community Eligibility Provision of the National School Lunch Program. We are in no doubt that this callous rule change will exacerbate the phenomenon of “lunch shaming” of children who are unable to pay their school meal debt. MAZON has worked at both the state and federal levels for almost a decade to eliminate shaming practices, and while Congress is poised to implement vital changes to
reduce lunch shaming, the Administration is now attempting to do just the opposite.

In addition, we are deeply concerned that this proposal will have devastating impacts on children whose parents are currently serving in the U.S. military, since we know that an astounding one-third of military children at Department of Defense-run schools on military bases are eligible for free or reduced-price meals.

MAZON applauds Chairman Krishnamoorthi, Chairwoman Maloney, and the House Oversight Committee for holding this series of hearings, which underscore the callous and cruel scheming by the Trump Administration to weaken vital safety net programs. We look forward to working with Members of this Committee to better meet the needs of low-income children and families who struggle with hunger.
Appendix A

MAZON Comment to USDA on September 20, 2010 Re: Notice of Proposed Rule Making – Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP) RIN 0584-AE62
September 20, 2019

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

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

Dear SNAP Program Design Branch:

On behalf of MAZON: A Jewish Response to Hunger, I am writing today regarding the United States Department of Agriculture’s (USDA) request for comments on proposed rulemaking to revise Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP).

MAZON unequivocally opposes the proposed rule change, which would restrict states’ flexibility to provide vital nutrition support to people who struggle to feed themselves and their families. The elimination of the Broad-Based Categorical Eligibility state option would mean the loss of critically needed SNAP benefits for 3.1 million Americans nationwide, according to USDA’s own estimate. It is unconscionable for USDA to propose this draconian change that will only serve to increase hunger and hardship in America. This proposed rule change is without merit and should be withdrawn.

Inspired by Jewish values and ideals, MAZON is a national advocacy organization working to end hunger among people of all faiths and backgrounds in the United States and Israel. For nearly 35 years, MAZON has been committed to ensuring that vulnerable people have access to the resources they need to be able to put food on the table. MAZON is a leading voice on anti-hunger issues, especially those that involve low-income populations or problems that have been previously overlooked or ignored—this includes food insecurity among currently-serving military families, veterans, single mothers, seniors, rural communities, Tribal Nations, and college students.
Jewish values underlie not only our faith tradition but the values on which the United States was founded. Those values teach us that all human beings are made in God’s image, that we must never turn away from those in need, particularly the hungry, and that those in leadership must use wisdom and compassion to govern. We are disappointed to note that this proposed rule change is contrary to all of these values.

**The proposed rule change is in direct opposition to the purpose of the Supplemental Nutrition Assistance Program, causing irreparable harm to the Program**

The proposed rule change both complicates and weakens Categorical Eligibility, which has been and continues to be an important flexibility option utilized by the vast majority of states. It enables states to simplify the SNAP application process, but still requires states to review every household’s income to determine the SNAP benefit level. Categorical Eligibility is a vital cost-saving approach that simply allows states to align SNAP’s eligibility limits with other government assistance programs like TANF, so that low-income working families with modest savings can still receive needed assistance from SNAP.

Restricting Categorical Eligibility threatens the very people that SNAP is intended to help—those who are trying to lift themselves out of poverty. We find it deeply worrisome that this regulatory proposal runs contrary to the purpose of SNAP, which is to reduce food insecurity. The proposal is also inconsistent with the intent of Congress2, and USDA’s own policy.

According to USDA, “SNAP provides nutrition benefits to supplement the food budget of needy families, so they can purchase healthy food and move towards self-sufficiency.” Severely restricting Categorical Eligibility undermines the purpose of SNAP in two notable ways. First, USDA’s own estimate is that this proposed rule change would result in 3.1 million people losing critically needed SNAP benefits resulting in a worrisome and unacceptable increase in hunger and hardship.3 There is no evidence, beyond a political stunt where a millionaire purposefully defrauded the government, to suggest that any significant number of these 3.1 million people are not in need of assistance to purchase healthy food. Second, among the people most likely to be hurt by this proposed change are low-wage workers who are doing the best they can to strive for self-sufficiency. This proposed rule change to Categorical Eligibility would exacerbate a “benefit cliff” where individuals who have some income or modest savings but still rely on SNAP would instantly lose that vital assistance—they would be forced to choose between feeding their family and putting gas in the car to go to work. Faced with a cruel choice between earning less money and spending down assets to avoid losing benefits that are still necessary to

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make ends meet during difficult times, low-income Americans will be forced out of the workforce rather than encouraged to participate in it. A proposal that increases food insecurity and undermines self-sufficiency is certainly contrary to the purpose of SNAP.

**The proposed rule is contrary to its authorizing legislation and the intent of Congress**

When Congress passed the Agriculture Improvement Act of 2018 (known as the “Farm Bill”) with bipartisan support, Categorical Eligibility was expressly preserved. While this alone is enough to establish clear Congressional intent, the process by which the law was passed offers further confirmation. Changes to Categorical Eligibility were included in the House version of the 2018 Farm Bill that initially failed but eventually passed the House by a very narrow margin, while the Senate Farm Bill preserved the program with broad, bipartisan support. It was the Senate version of Categorical Eligibility that prevailed in the final bill, which passed both chambers of Congress with broad bipartisan support by unprecedented margins. Regulations are meant to support the laws enacted by a Democratically elected Congress. Proposals that do otherwise are an improper exercise of rulemaking as they exceed the authority granted by the authorizing legislation.

**The proposed rule conflicts with USDA goals and other agency programs**

On December 5, 2017, USDA committed to “increased cooperation with states in the operation of the Supplemental Nutrition Assistance Program (SNAP) to promote self-sufficiency, integrity in the program, and better customer service.”4 The press release noted that, “[t]o make these improvements, USDA intends to offer state agencies greater local control over SNAP, the safety net program that serves millions of eligible, low-income individuals and families. Specifics on such flexibilities will be communicated to state agencies in the coming weeks.” A proposal that restricts a state-flexibility option used by over three-quarters of all states cannot be considered to be increasing cooperation with those states.

In addition to contradicting USDA’s stated goals, this proposed rule change runs afoul of another administrative bureau: the Consumer Financial Protection Bureau (CFPB). By penalizing low-income Americans who have modest savings, the proposed restrictions to Categorical Eligibility directly contradict CFPB’s “Start Small, Save Up” initiative, which encourages consumers to “create, maintain, and grow emergency savings accounts as part of their overall financial well-being.”5 While one bureau promotes the importance of saving among Americans, another is undermining this effort.

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With no data or explanation as to why it is appropriate to undertake a large-scale policy change that is directly adverse to the purpose of SNAP, Congressional intent, and USDA’s own policy guidance, this proposed rule change is as arbitrary as it is cruel.

**Large groups of Americans who are already vulnerable will be particularly damaged by the proposed rule**

The proposed rule is likely to cause serious harm to school children across America

One of the most egregious aspects of this proposal is the impact it would have on children in SNAP households. Since these children are automatically eligible for free school meals, eliminating their household’s eligibility for SNAP benefits could mean loss of vital nutrition for over 500,000 children. Although called upon by the U.S. House of Representatives’ Committee on Education & Labor, USDA has not provided full information about the estimated impact of this proposed rule change, including calculations to determine how many children will lose free school meals as a result of its implementation.

**MAZON’s decades of advocacy on behalf of vulnerable populations has given us the expertise to know that many other groups already facing unique barriers to accessing food would be most adversely affected by this unsupported change. This includes:**

**Seniors**

This proposed rule will add to existing barriers facing poor seniors and make already vulnerable seniors even more vulnerable. We know that nearly 5 million seniors currently struggle with hunger, and SNAP is a lifeline for many of these individuals. However, many older Americans are not receiving this vital assistance due to common barriers like stigma, limited transportation, lack of awareness, and administrative burdens. Categorical Eligibility has been a particular lifeline for seniors who are too frail or too overwhelmed to apply through multiple agencies, multiple times to secure the life-saving benefits provided to them by law.

With 10,000 Americans turning 65 every day, we know that many people are aging into poverty, and therefore this proposed rule change would have an outsized effect on older Americans. According to USDA, households with one or more elderly members will be disproportionately impacted by the proposed rule. Nearly 13.2 percent of all SNAP households with elderly members will lose benefits as 7.4 percent will fail the income test and 5.8 percent will fail the resource test.6

**Currently-Serving Military Families**

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The proposed rule change threatens to increase need for military families who qualify for SNAP through Categorical Eligibility and would no longer be able to receive nutrition assistance.

Food pantries operate on or near every military base in the U.S., serving active-duty military families who struggle with hunger. In the 2018 Blue Star Families Military Family Lifestyle Survey, military family respondents identified "financial issues/stress" as the top lifestyle stressor, with 13 percent reporting difficulty making ends meet. This survey offers clear evidence of economic hardship experienced by military families who often face unique costs associated with the military lifestyle including frequent moves, staggering rates of spousal unemployment and underemployment, high childcare costs with limited availability, and lack of family support. With this proposal, USDA is making an administrative change that would exacerbate the challenges already faced by struggling military families.

In particular, this proposed rule change would impact the households of junior enlisted service members with multiple dependent children. NBC News recently reported that 1 in 3 children at DoD-run schools on military bases across the country were eligible for free or reduced-price lunches. This proposal limits access to free school meals for children whose parents are current service members facing difficulty making ends meet.

Veterans

The proposed rule change threatens to cut off access to SNAP for struggling veterans who need help. Though an estimated 1.4 million veterans live in households that participate in SNAP, we know that many more veterans are eligible for SNAP but do not participate in the program. A recent study by Impaq International found that of veterans who were eligible for SNAP benefits, only 1 in 3 are current recipients. Additional research noted rates of food insecurity among veterans of the wars in Iraq and Afghanistan nearly double the rates for the general population. USDA has provided no exact details regarding the number of veterans who will be adversely impacted, which gives the appearance that USDA has not fully considered these impacts of the proposed rule.

This proposal takes our country in exactly the wrong direction in terms of caring for America’s veterans. USDA should be doing more to increase SNAP participation for

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veterans who experience food insecurity, not increasing barriers for the brave men and women who have sacrificed for our country.

**Native Americans**

With nearly one in four American Indians and Alaska Natives participating in SNAP, this proposed rule change will have a substantial negative and disparate impact on Native American individuals and families who experience food insecurity and rely on this federal food program to meet their nutritional needs. Not only will this proposal have devastating effects on Native American communities, it will also imperil another important federal program.

The Food Distribution Program on Indian Reservations (FDPIR) is a critically important federal program, run by USDA, which allows Indian Tribal Organizations (ITOs) to operate food distribution as an alternative to SNAP. Since no individual can participate in both FDPIR and SNAP in the same month, it is inevitable that increasing restrictions for SNAP access will undoubtedly result in a spike in enrollment in FDPIR by tribal citizens who are cut off from SNAP. FDPIR currently serves an average of 90,000 Native Americans. This includes many tribal elders, with 42% of FDPIR households having a member over age 60. Furthermore, because FDPIR's funding is capped and not an entitlement program like SNAP, there is a serious concern about the exhaustion of FDPIR funds in the event of a spike in participation caused by this proposed rule change.

Finally, USDA has not provided adequate consultation with tribal leadership on this proposed rule change. Despite the claim that USDA's Food and Nutrition Service (FNS) briefed tribes on this proposed rule change at a listening session held during the National Congress of American Indians Executive Council Winter Session in Washington, DC on February 14, 2019, USDA did not uphold its federal trust responsibilities under Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments” and engage in meaningful consultation with tribal governments on this issue. A listening session is not the same as a tribal consultation. This meeting was held with little notice to tribal leadership or tribal organizations, nor was it noticed out properly as a consultation. In fact, it was held at the same time and in direct conflict with an earlier scheduled USDA-FNS consultation with tribal leadership on FDPIR, making it extremely difficult for tribal leadership, program managers, nutrition experts, and allies like MAZON to attend both of the meetings scheduled at the same time. The lack of notice and consideration of scheduling the listening session did not provide adequate time or place for tribal leaders to voice their concerns regarding the proposed categorical eligibility revisions to SNAP.

As the first non-Native ally member of the Native Farm Bill Coalition, MAZON is deeply concerned about the profound harm this proposed rule change will have on vulnerable American Indian and Alaska Native individuals and families, especially
tribal elders, as well as the proposal’s flagrant and unconstitutional disregard for tribal sovereignty.

**Rural Americans**

This proposed rule change would be devastating for rural households who are struggling with food insecurity while working to save money, avoid debt, and build assets.

Rural areas often face unique barriers to achieving food security including a lack of public transportation, scarcity of childcare services, lower educational attainment, fewer economic opportunities, and higher unemployment rates than urban areas. With the largest proportion of SNAP participants, rural counties and small metropolitan areas are more dependent on SNAP than urban counties making low-income rural residents much more vulnerable to this proposed rule.

All of the above populations already face heightened barriers to nutrition assistance, and many who are eligible for benefits are not enrolled due to numerous hurdles and barriers. Limiting a program designed to allow qualified applicants to more easily access benefits is particularly misguided given the many communities already struggling to receive the assistance provided to them by law.

**This proposed change to Categorical Eligibility has no basis in legislation, evidence, or policy, and causes harm to the ideals of states’ rights, separation of powers, and helping those in need.**

USDA’s own research found that almost one third of families below 185 percent of the Federal Poverty Level experienced difficulty affording food, even though the cut off for receiving SNAP without Categorical Eligibility is 130 percent of the Federal Poverty Level. This data demonstrates that Categorical Eligibility is a much-needed option to allow working families to lift themselves out of poverty without facing a cut in vital benefits that would force them back into it. This proposal would so greatly complicate and weaken Categorical Eligibility that it is disingenuous to defend it as merely “closing a loophole.”

The modest decline in food insecurity in the last year is clearly due to the effectiveness and flexibility of programs like SNAP—programs that must retain their integrity and flexibility is such a trend is to continue. The fact remains that millions of Americans struggle to feed themselves and their families. This proposed rule change will reverse this trend by increasing hunger and hardship for millions of Americans.


Removing state flexibility and denying benefits to Americans in need is contrary to Congressional intent and the national interest, and it is certainly contrary to the values and ideals on which our country was founded. Our government cannot effectively provide for the wellbeing of its citizens by attacking programs that are working to lift people out of poverty. USDA must not proceed with this ill-considered proposed change.

Sincerely,

Abby J. Leibman
President and CEO
MAZON: A Jewish Response to Hunger
Appendix B

MAZON Comment to USDA on October 25, 2019
Re: Notice of Proposed Rule Making – Revision of
Categorical Eligibility in the Supplemental Nutrition
Assistance Program (SNAP); Reopening of Comment
Period RIN 0584-AE62
October 25, 2019

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

Re: Notice of Proposed Rule Making -- Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP); Reopening of Comment Period RIN 0584-AE62

Dear SNAP Program Design Branch:

On behalf of MAZON: A Jewish Response to Hunger, I am writing today regarding the United States Department of Agriculture’s (USDA) reopening of comments on proposed rulemaking to revise Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP).

MAZON unequivocally opposes the proposed rule change, which would have devastating effects on one million schoolchildren in America. It is unconscionable for USDA to continue with this draconian change after calculating the impact on free school meals and finding it will be double the already large impact initially assumed. This proposed rule change will only serve to increase hunger and hardship in America. It is without merit and should be withdrawn.

In our initial comments, MAZON cited the impact on vital daily nutrition for an estimated five hundred thousand children as “[o]ne of the most egregious aspects of” the proposed rule change. MAZON is pleased that USDA heeded the call of the U.S. House of Representatives’ Committee on Education & Labor and other interested parties to provide full information about the true impact of this proposal on children who stand to lose free school meals as a result of its implementation. MAZON is gravely concerned that after a full review of the impacts revealed that almost one million children will be affected, USDA is still moving forward with this proposed change.

1 https://www.fns.usda.gov/pressrelease/fns-001519
Should this proposed rule go into effect, even more children than considered in this revised estimate are at risk of losing essential schoolday nutrition. The Community Eligibility Provision of the National School Lunch Program allows schools in low-income areas to offer free meals to all students. As eligibility for this program is based on the number of students at a school who qualify for other means tested assistance like SNAP, if families lose SNAP benefits, that loss not only jeopardizes their own children’s school meals, but also the school meals of all children at the school. This proposal will disproportionately hurt children and families in areas that are already struggling economically.

Equally concerning is USDA’s own analysis showing that 96% of children affected by this proposal qualify for this vital benefit under even the most stringent requirements. This is proof that Categorical Eligibility is working exactly as Congress intended, by streamlining the application process and allowing families who are working hard to lift themselves out of poverty to receive benefits for which they qualify in a manner that is more efficient for them and for the implementing state and local agencies.

For the remaining 4%, forty thousand children, that would lose access to free school meals due to family income, the effects are no more appropriate. In order to receive SNAP benefits through Broad Based Categorical Eligibility, a state agency determined that the families of these children had some level of need, even with the household income. To remove these children permanently from this important benefit program competely disregards the opinion of state and local governments and the potential devastating effects on the children and their families. This proposed rule erects an additional barrier with little to no indication that such a barrier is necessary at great cost to American families.

MAZON’s decades of experience in the national anti-hunger movement give us the expertise to know that the effects of erecting an unnecessary barrier to free school meals are wide-ranging. In addition to the well established link between childhood hunger and decreased academic performance, the inability to pay for school meals can lead to “lunch-shaming” which has its own damaging and humiliating consequences. Across the country, students with school lunch debt are punished in the cafeteria and in other ways throughout the school year. This issue has been nationally recognized and remedies have been attempted by good Samaritans paying off lunch debt, state laws banning lunch shaming practices and increasing funding for school meals, and proposed federal legislation to address the issue. This proposed rule change is certain to exacerbate the

2 https://www.urban.org/research/publication/how-restricting-categorical-eligibility-snap-affects-access-free-school-meals?cm_ven=ExactTarget&cm_cat=EDU_BBCE_NAEP_Safety+Net&cm_pla=All+Subscribers&cm_i=brief+that+assesses+the+impact&cm_lm=llieberman@mazon.org&cm_a=maizom.org/inside-mazon/why-lunch-shaming-persists
problem of “lunch-shaming” as children lose access to free school meals and struggling families are asked to find a way to make up the difference.

MAZON is particularly concerned that this proposal limits access to free school meals for children whose parents are currently serving in the U.S. military. We know that struggling military families are being served by food pantries and distribution programs on or near every single military base in the United States. Furthermore, recent Pentagon records show that during the 2018-19 school year, one third of military children at Department of Defense-run schools on military bases were eligible for free or reduced-price lunch. It is clear that the U.S. government must do more to connect military families to food assistance programs, rather than restrict the program in ways that will harm those who serve our country.

Denying legally prescribed nutrition assistance to children in need is contrary to Congressional intent and the national interest. Our government cannot effectively provide for the wellbeing of its citizens by attacking programs that are working to allow our nation’s most vulnerable children to learn and thrive. USDA must not proceed with this ill-considered proposed change.

Sincerely,

Abby J. Leibman
President and CEO
MAZON: A Jewish Response to Hunger