

February 28, 2019

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

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

Dear Certification Policy Branch:

On behalf of The Jewish Federations of North America and the Network of Jewish Human Service Agencies, thank you for the opportunity to comment in opposition to the U.S. Department of Agriculture's (USDA) Proposed Rulemaking on SNAP requirements and services for Able-Bodied Adults Without Dependents. The Supplemental Nutrition Assistance Program (SNAP) is America's most important anti-hunger program. It was originally crafted by bipartisan Congressional leadership, has maintained that support, and has worked effectively for over 50 years. Unfortunately, the changes reflected in USDA's proposed rule would cause serious harm to the most vulnerable members of our community, particularly for the hundreds of thousands of low-income individuals that our agencies serve.

The Jewish Federations of North America (JFNA) is the umbrella organization for 147 Jewish Federations and 300 independent communities across North America. Our network of thousands of hospitals, aging and assisted living facilities, group homes, family service and vocational training agencies, kosher food banks and supplemental meal programs, and community centers and camps provide a full continuum of care for our nation's most vulnerable citizens – older adults, persons with disabilities, children and at-risk youth, and immigrants and refugees. Through our philanthropic prowess and with the assistance of government support in a true public-private partnership, we serve more than one million clients in every state of the country, in Israel and more than 60 countries around the world.

The Network of Jewish Human Service Agencies (NJHSA) represents 140 non-profit organizations in the United States, Canada and Israel. NJHSA's members provide a full range of human services for the Jewish community and beyond, including supplemental food assistance, healthcare, career, and employment and mental health services, as well as programs for youth, family and seniors, Holocaust survivors, immigrants and refugees, people with disabilities and caregivers.

Both JFNA and NJHSA pay particular attention to SNAP because it plays a critical role in addressing hunger and food insecurity in our networks of communities. It is the first

line of defense against hunger for hundreds of thousands of our Jewish agencies' lowest income clients. Jewish text and tradition compel us to honor the dignity of every person, especially those who are struggling. *Leviticus* commands us to leave the corners of our fields and the gleanings of our harvest and vineyards for the poor and the stranger. This commandment is a clear expression of our collective responsibility for each other. As Jewish organizations, we believe that no matter a person's circumstance, no one deserves to be hungry.

The recent 35-day government shutdown revealed the economic vulnerability of middle-class Americans and the vital importance of a federal nutrition safety net. In recent weeks, thousands of federal workers turned to the charitable food sector to meet their basic needs, many of them coming to food pantries operated by our agencies, because these hard-working Americans could not put food on the table. The charitable food sector is already poorly equipped to respond to the scope of food insecurity in America—and the shutdown only highlights the critical need for SNAP.

Area Waivers and Individual Exemptions Provide Ways to Modestly Ameliorate the Impact of Arbitrary Time Limits

Federal law already limits SNAP eligibility for childless unemployed and underemployed adults aged 18-50 (except for those who are exempt) to just three months out of every three years unless they are able to obtain and maintain an average of 20 hours a week of employment. While the existing rules are harmful to vulnerable people by denying them food benefits at a time when they most need it and they do not result in increased employment and earnings, the federal law has shifted the burden of providing food to these unemployed individuals from SNAP to states, cities, and local charities.

While there are very harsh consequences to beneficiaries from this part of the law, SNAP also includes a critical provision that allows states to seek and USDA to grant waivers of this three month cut-off in areas where jobs for individuals are lacking. For instance, states can request a waiver of the time limit for parts of states that have 10 percent or higher unemployment rates or, based on other economic indicators, where there are "insufficient jobs." Moreover, states have discretion to exempt individuals from the time limit by utilizing a pool of exemptions. These types of rules governing waivers have been in place since 1996 and have been successfully deployed by Republican and Democratic Administrations alike.

Proposed Rule Undermining Law's Safety Valves Should Be Rejected

The proposed rule would expose even more people to the food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions. By USDA's own calculations, the proposed rule would take food away from 755,000 additional low-income Americans, cutting food benefits by \$15 billion over ten years. More than having low incomes, SNAP beneficiaries typically are the nation's poorest residents with average incomes at one third of the federal poverty line. USDA does not discuss any

improvements in health or employment among the affected population that the proposed rule would promote.

Under preexisting law, states have the flexibility to apply for waivers from USDA for areas within the state that have experienced elevated unemployment. Every state except Delaware has availed themselves of these waivers at some point since the time limit became law. The current waiver rules are reasonable, transparent, and manageable for states to operationalize. Any change that would restrict, impede, or add uncertainty to states' current ability to waive areas with elevated unemployment should not be pursued. Moreover, the underfunded workforce systems and SNAP employment and training programs are not designed or well-suited to meet the job training requirements under this rule.

The proposed rule seeks to diminish state flexibility in accessing waivers and make it harder for areas with elevated unemployment rates to qualify for waivers of the time limit by adding a 7 percent unemployment rate floor as a condition. The proposed rule would make it harder for states to obtain and implement area waivers by dropping statewide waivers except when a state triggers extended benefits under Unemployment Insurance. It would unduly limit the economic factors considered in assessing an area's eligibility for a waiver (e.g., by no longer allowing employment to population ratios that demonstrate economic weakness to qualify areas for waivers). It would undermine efficient state implementation of area waivers by limiting their duration to 12 months and delaying their start dates until after USDA processes the request.

USDA provides little analysis in the proposed rule to describe how it would impact covered individuals and population groups. More troubling, the Department does not discuss realistic plans to avert harm caused by those changes. USDA merely asserts its expectation that two thirds of those individuals made newly subject to the time limit "would not meet the requirements for failure to engage meaningfully in work or work training."

Proposed Rule Undermining Congressional Authority and Intent

Work requirements were an impetus for intense negotiation during the 2018 Farm Bill reauthorization process, but the end result brought Republicans and Democrats together in support of a measured compromise bill that protected the structure and funding for SNAP. Unfortunately, USDA's proposed rule would undermine the legislative authority of Congress represented by the enacted Farm Bill. Congress did not make the changes proposed in this rulemaking, even though the underlying issues in this rule were considered, included in the House-passed bill, but ultimately rejected by the Senate and bipartisan conferees in the final conference agreement.

Proposing to rescind state waivers for work requirements ignores the realities of millions of Americans who work inconsistent hours, lack access to transportation, live in areas where the economy has been slow to recover, or are not able to access employment and training programs. All of these factors could lead to SNAP recipients failing to meet

work requirements, states being unable to grant a waiver, and 755,000 adults losing access to life-saving nutrition benefits.

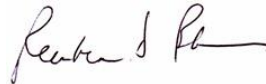
We believe this rule is too unforgiving and hurts those most in need. It harms vulnerable people by denying them food benefits at a time when they most need it, putting their food security at risk, and it does not result in increased employment and earnings. **The rules governing areas' eligibility for waivers and individual exemptions have been in place for nearly 20 years. In that time, the waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize. They should be retained!**

Accordingly, we encourage USDA to rescind the proposed time-limit rule that impacts Able-Bodied Adults Without Dependents. Our organizations further oppose any action by USDA that would expose more vulnerable people to this SNAP eligibility cutoff policy. Restoring SNAP's ability to provide food assistance to impoverished unemployed people would be a powerful policy improvement that would reduce food insecurity among those seeking work.

Sincerely,



William C. Daroff
Senior Vice President &
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Jewish Federations of North America



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