

November 1, 2019

Stephen L. Censky,
Deputy Secretary, U.S. Department of Agriculture
Office of Policy Support, Food and Nutrition Service
USDA, 3101 Park Center Dr., Alexandria, VA 22302

RE: Categorical Eligibility (SNAP Cat EI)
FNS-2018-0037-16542

Dear Secretary Censky:

We are writing on behalf of RESULTS to comment about the new data on the potential impact on school meals of the proposal to restrict the Categorical Eligibility (cat-el). As an anti-poverty organization, we are deeply concerned about access to school meals and other attacks on effective anti-poverty programs. Upon reading USDA's analysis of the proposed rule's impact on access to the School Breakfast and National School Lunch Program, and in particular how the proposed rule would jeopardize free school meals for 1 million children, we urge you to withdraw this proposal.

RESULTS creates the public and political will to end poverty by empowering individuals to exercise their personal and political power for change. We support a network of more than 115 chapters with over 650 active volunteers (and an additional 7,000 members in our e-mail action network) across the U.S. Our grassroots educate members of congress, work with the media, and build awareness within their communities on basic nutrition and health programs along with budget and tax policies. Our grassroots network includes a specific focus on engaging young leaders and elevating the voices of low-income Americans who have firsthand experience of poverty.

As an organization, we are concerned whenever Americans across the country are subject to harmful rule changes that put low-income individuals and their families at risk. As noted in our previous comment, the potential to change the Categorical Eligibility causes millions of people to lose access to anti-hunger programs that help families meet their basic needs. There are roughly 43 states and territories using broad based Categorical Eligibility which measures the flexibility to provide critical assistance to those states in need of a hand up to make hands meet. According to the newly released USDA analysis, the proposed rule will jeopardize nearly one million children's access to free school meals. Even assuming families could navigate the school meals application process successfully, the majority could no longer qualify for free school meals: 497,000 children would qualify only for reduced-price school meals and another 40,000 children could receive school meals only by paying regular price. We know that "lunch shaming" is a tremendous problem in this country and this latest data underscores how devastating this proposal would be. **RESULTS opposes changes that make it more**

challenging for families to access benefits while wasting taxpayer dollars for unnecessary administrative costs.

In addition to the administrative burden on school districts and families, and the meals lost for hungry children in schools, we have concerns about the process and lack of research and analysis. The Department waited more than 75 days after it published the proposed rule and 16 days after the initial 60-day comment period had closed to release its analysis of the impact on access to school meals, yet has provided the public only 14 days to review and assess the Department's analysis. The Department has not provided sufficient analysis or time for assessing the full extent of the proposed rule's impact on access to school meals as well as develop comments. The Department also has not adequately explained why it omitted analysis of the impact on school meals from the Regulatory Impact Analysis it posted during the initial 60-day comment period. **And as an organization committed to racial equity, we believe strongly that we need racial disaggregation data to understand the full impact of the proposal.**

The proposed rule would harm the health and well-being of many school children. As we all know, **hungry children cannot learn.** In addition, the shift away from automatic eligibility for free school meals will have a negative impact on community eligibility, which allows high poverty 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 in SNAP, to determine if a school is eligible to implement community eligible and to set the federal funding for school breakfast and lunch that a community eligibility school will receive. Many schools will find that they no longer qualify for community eligibility or that it is no longer financially viable. In this regard, the proposed rule also would take free school meals away from additional children. The new analysis fails to consider the impacts of the proposed rule on community eligibility.

The lack of the original Regulatory Impact Analysis to include information on the proposed rule's estimated impact on access to the School Breakfast Program and the National School Lunch Program is especially concerning given that the Congressional Budget Office (CBO) has included analyses of impacts on access when it has provided cost estimates to Congress regarding proposed legislative changes to SNAP Cat EI. Indeed, such CBO estimates were before Members of Congress when they were considering changes to Cat EI in the 2018 Farm Bill. [See, e.g., Cost Estimate of H.R. 2, Agriculture and Nutrition Act of 2018 As Ordered Reported by the House Committee on Agriculture on April 18, 2018, Congressional Budget Office, May 2, 2018, available at https://www.cbo.gov/system/files/2018-07/hr2_1.pdf (in analyzing a proposal to change Cat EI, "There would be an additional effect on children who are categorically eligible for free meals at school because of their eligibility for SNAP. If their households lost SNAP eligibility because of the revised threshold and their families were not otherwise eligible for free meals, those children would be eligible only for reduced-price or paid meals. Those meals have smaller reimbursement rates to the meal providers and thus the federal costs of the child nutrition program would decline."))] Congress rejected efforts to gut Cat EI during its consideration of the 2018 Farm Bill. This USDA rulemaking is an attempt to sidestep Congress and is outside USDA's authority.

We strongly oppose the proposed rule that would jeopardize our students' access to free school meals, while at the same time reducing the amount of food available to them at home. The proposal of changing the Categorical Eligibility can impact many American families who rely on assistance programs to sustain their lives. If this action was to be enacted, there could be less individuals benefiting from these programs related to nutrition, healthcare, and food assistance programs. We know that many low-income workers are struggling to make ends meet, and this proposal would penalize also people who use basic needs programs to supplement their earnings from low-wage work.

The action can drastically impact the lives of low-income families making it harder to sustain themselves and afford food. Our advocates know – many from lived experience – the importance of having an effective and measurable requirement to have better access to food assistance programs such as SNAP. As noted above, **RESULTS is deeply concerned about the impact of the proposed changes on low-income people and communities of color.** Rather than evidence-based policymaking, the proposed rule would cause great harm to individuals, families, and communities, without a full rationale or calculation of the potential harm.

As an organization deeply committed to ending poverty and creating opportunity that recognizes the links between oppression and poverty, **RESULTS is deeply concerned about the impact on the Administration's plan to roll back an important Categorical Eligibility allowing states tailor their SNAP income and asset limits to provide modest help to certain low-income households – and we are alarmed about the impact on school meal participation given this latest data.** RESULTS believes that enacting rule changes without considering the potential impacts to many households, especially those with low incomes, is damaging to all. The proposal should not be enacted because it would be harming our communities and the nation.

Thank you for the opportunity to submit comments on the proposed rulemaking. Please do not hesitate to contact us to provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Meredith Dodson', written in a cursive style.

Meredith Dodson
Director of U.S. Poverty Campaigns
RESULTS
1101 15th Street NW Suite 1200
Washington, DC 20005
(202) 783-7100 x116
mdodson@results.org
<http://www.results.org/>