



Lutheran
Services
in America

March 22, 2019

The Honorable Sonny Perdue
Secretary of Agriculture
1400 Independence Ave., S.W.
Washington, DC 20250

Dear Mr. Secretary:

As President and CEO of Lutheran Services in America, I write to offer comments on the Department of Agriculture's Notice of Proposed Rulemaking (FNS-2018-0004-5999.) We urge you not to implement this rule that will take away food assistance from vulnerable Americans.

Lutheran Services in America leads one of the largest health and human services networks in the U.S. with over \$22 billion in annual revenue, made up of over 300 Lutheran social ministry organizations that touch the lives of 1 in 50 Americans each year. Guided by God's call to love and serve our neighbors, we empower our faith-based member organizations in their mission to lift up the nation's most vulnerable people, providing services to all three Medicaid population groups—seniors, children and people with disabilities—along with veterans, refugees and the homeless. Our members work in 1,400 communities throughout the country—in rural and urban areas—as shown on this map: http://bit.ly/LSA_member_map.

Administered by the Department of Agriculture (USDA), the Supplemental Nutrition Assistance Program (SNAP), also known as food stamps, provides food-purchasing assistance for low- and no-income people. It is a federal aid program, although benefits are distributed by each U.S. state's Division of Social Services or Children and Family Services. Roughly 40 million Americans in 2018 received SNAP benefits.

Approximately 9.2% of American households obtained SNAP benefits at some point during 2017, with approximately 16.7% of all children living in households with SNAP benefits.¹

¹ Tara Watson, *SNAP Benefits and the Government Shutdown*, ECONOFACT (January 23, 2019), <https://econofact.org/snap-benefits-and-the-government-shutdown>.

Under current rules, able-bodied adults without dependents—or ABAWDs, as the USDA calls them – are eligible for SNAP for only three months in a three-year period if they do not work or participate in a job-training program for at least 20 hours each week. In 1996 when Congress first enacted these time limits on SNAP, Congress also provided that states could request from USDA waivers on the time limits for areas with higher unemployment than average. States can request such waivers for geographic areas that have an unemployment rate of 10 percent or higher or, based on other economic indicators, areas that have “insufficient jobs.” Moreover, states have the discretion to exempt individuals from the time limit by utilizing a pool of exemptions (referred to as “15 percent exemptions”). The area waivers are important safety valves for protecting food assistance for persons who are seeking, but are unable to find, sufficient hours of work. In the decades since the 1996 welfare law took effect, USDA has abided by the decision of Congress and processed area waiver requests from governors of both political parties based on accepted economic factors and metrics. During that time, every state but Delaware has sought a time-limit waiver at some point, according to the Center on Budget and Policy Priorities (CBPP).² The waiver rules have proven to be reasonable, transparent, and manageable for states to operationalize.

During consideration of the 2018 Farm Bill, which reauthorized SNAP, Congress considered making changes to work requirements and the waiver process but ultimately did not do so. Current USDA regulations allow states to seek waivers for areas with unemployment rates that are at least 20 percent greater than the national rate. The USDA is now proposing that states could waive the requirement only in areas where unemployment is above 7 percent. The current national unemployment rate stands at 3.7 percent. The proposed changes would also force states to reapply for waivers every year, rather than every two years. The Administration’s new proposal was first announced just days after Congress passed the new Farm Bill that explicitly did not contain the changes proposed.

² Ed Bolen and Stacy Dean, *Waivers Add Key State Flexibility to SNAP’s Three-Month Time Limit*, Center for Budget and Policy Priorities (February 6, 2018), <https://www.cbpp.org/research/food-assistance/waivers-add-key-state-flexibility-to-snaps-three-month-time-limit>.



Approximately 2.8 million able-bodied recipients without children or an ailing person in their care were not working in 2016, according to the USDA's latest numbers. By the Administration's own calculations, roughly 755,000 live in areas that stand to lose their waivers, meaning a cut in food benefits by \$15 billion over ten years.³ The Administration does not estimate any improvements in health or employment among the affected population. CBPP points out that the average income of people in this category is just 33 percent, or one-third, of the poverty line.⁴ In 2018, that meant an annual income of \$4,047.

If finalized, this proposed regulation would make it harder for people to put food on the table by taking away SNAP benefits from many of the people Lutheran Services in America member organizations serve. Faith-based and community organizations will not be able to make up the gap left by cutting SNAP benefits, leaving millions of the working poor hungry with no place to turn. Only when nonprofit and federal programs work hand-in-hand can we begin to end hunger in America: community-based organizations cannot match the role of government in assisting and supporting the one in eight Americans who live at risk of hunger. National nutrition programs provide more than 10 times more food assistance than private nonprofits. What's more, the recent 35-day government shutdown illustrated the economic vulnerability of middle-class Americans and the vital importance of our federal nutrition safety net—the nonprofit sector is not equipped to respond to the entire scope of food insecurity in America.

Of additional concern, USDA provides neither comprehensive analysis to explain its conclusions about the impacts the changes would have on individuals and population groups nor realistic plans to avert harm from 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.” Moreover, while the Department concedes that the proposed changes “have the potential for disparately impacting certain protected groups due to factors affecting

³ Catherine Bordeau, *USDA Will Clamp Down on Work Rule for Food-Stamp Recipients*, Politico (December 20, 2018), <https://www.politico.com/story/2018/12/20/food-stamp-rules-1045255>.

⁴ Robert Greenstein, *Greenstein: Trump SNAP Proposal Would Cost Many of Nation's Poorest Their Food Aid*, Center for Budget and Policy Priorities (December 20, 2018), <https://www.cbpp.org/press/statements/greenstein-trump-snap-proposal-would-cost-many-of-nations-poorest-their-food-aid>.



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rates of employment of these groups, [it] find[s] that implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts.” However, no explanation of the mitigation strategies and monitoring is provided, so there is no opportunity to comment on whether the acknowledged disparate impact will in fact be mitigated.

We urge the Administration to reconsider this rule change and ensure that United States laws, processes and resources support much-needed food assistance for all those in need.

Respectfully,

Charlotte Haberaecker
President and CEO