



BIPARTISAN POLICY CENTER

September 23, 2019

The Honorable Sonny Perdue  
Secretary of Agriculture  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, D.C. 20250

*Via Federal eRulemaking Portal*

***Re: Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program [FNS-2018-0037]***

Dear Secretary Perdue:

The Bipartisan Policy Center (BPC) appreciates the opportunity to submit comments in response to the revision of categorical eligibility in the U.S. Department of Agriculture (USDA)'s Supplemental Nutrition Assistance Program (SNAP). We understand and support the goal of the proposed rule to uphold the integrity of the SNAP program by ensuring access to food assistance only for individuals and families who are truly in need. While we appreciate the importance of preserving program integrity, the proposed rule could have unintended consequences of limiting access to healthy foods, particularly for school-aged children and older adults. We value bipartisan solutions that improve health outcomes, including access to healthy food. That is why we are writing to express our concerns about the proposed revision of categorical eligibility in SNAP.

Founded in 2007 by former U.S. Senate Majority Leaders Howard Baker, Tom Daschle, Bob Dole, and George Mitchell, BPC is a non-profit organization that combines the best ideas from both parties to promote health, security, and opportunity for all Americans. BPC health policy leaders have released dozens of recommendations in recent years aimed at improving:

- **Access** to quality, affordable health insurance coverage, long-term care financing options, and safe and effective medical treatments;
- **Value** – better care at lower costs – in health care delivery and payment, supported by interoperable health information technology; and the
- **Health** of individuals and communities, including through prevention, care coordination and integration of non-clinical services for chronically ill individuals.

These BPC staff-developed comments reflect staff expertise and input from BPC leaders, experts, and stakeholders from across every sector of health care. They do not represent official positions of BPC's founders or board of directors.

## **Background**

BPC's health program prioritizes bipartisan solutions that advance the health of all Americans. We want to emphasize that SNAP has strong bipartisan support as evidenced by the passage of the 2018 Farm Bill, which reauthorized the program. Importantly, this bipartisan bill did not make revisions to limit SNAP categorical eligibility. We are committed to sustaining common-sense bipartisan solutions like SNAP that influence the health of millions of Americans.

In 2017, BPC launched the SNAP Task Force, which aimed to explore strategies for enhancing healthy nutrition through public programs and policies related to food and health. Our task force produced a 2018 report, [Leading with Nutrition: Leveraging Federal Programs for Better Health](#), that highlights the links between diet, health, health care costs and SNAP's role in these issues.

As noted in our report, despite spending \$3.3 trillion on health care in 2016, Americans have consistently poor health outcomes.<sup>1</sup> While many factors contribute to chronic disease in the United States, poor-quality diet has emerged as a leading cause of death nationwide.<sup>2</sup> SNAP, the largest food assistance program, is key in providing a pathway out of poverty and mitigating many life-threatening health outcomes.

It is projected that the proposed rule would remove 1.7 million households and 3.1 million individuals from eligibility.<sup>3</sup> While attention has been given to a small number of individuals with high assets who enrolled in SNAP, the vast majority of SNAP participants who would lose eligibility rely on SNAP to be able to put healthy food on the table. Therefore, it is imperative that the Department consider all implications of the proposed rule. We hope that this letter highlights important ramifications of the proposed rule that ultimately chip away at the core value of SNAP – ensuring access to nutritious food for those in need.

## **Impact on Older Adults**

Under the proposed rule, your Agency estimates that 13.2 percent of older adults currently eligible for SNAP would lose benefits.<sup>4</sup> The impact of the proposed rule varies across states. For example, 26 percent of older Wisconsin residents and 34 percent of elderly Texans would lose eligibility.<sup>5,6</sup> Ensuring access to nutritious foods is key for older adults to remain healthy especially considering three in four Americans over 65 live with multiple chronic conditions.<sup>7</sup> The link between lack of access to healthy foods and chronic conditions, which are more prevalent among seniors, has been widely substantiated. Not only is food insecurity status strongly related to the likelihood of developing chronic disease, but it is also associated with having a greater number of chronic conditions.<sup>8</sup> USDA defines food insecurity in two ways:

- Low food security: reports of reduced quality, variety or desirability of diet. Little or no indication of reduced food intake.
- Very low food security: reports of multiple indications of disrupted eating patterns and reduced food intake.<sup>9</sup>

A 2017 USDA report notes that prevalence of chronic conditions for adults in households with low food security is on average 18 percent higher than those in high food-secure households.<sup>10</sup>

Unfortunately, as of 2017, 5.5 million seniors struggle with food insecurity.<sup>11</sup> SNAP, as it stands, can provide a path to food security and better health.

### **Reduced Access to School Meals**

BPC is committed to improving access to nutritious foods in schools. Many children spend significant amounts of time in school; therefore increasing nutritious options in school meals provides an important opportunity to optimize health and academic performance. For these reasons, our 2012 report, [Lots to Lose](#), included recommendations to promote nutritious school meals including advising schools to improve food and nutrition education by aggressively implementing the Healthy Hunger-Free Kids Act, which last reauthorized the school meal programs.<sup>12</sup>

SNAP is critical to combatting child hunger, particularly in low-income communities. Students in households that are eligible for SNAP are directly certified as eligible for free meals in the National School Lunch Program (NSLP) and the School Breakfast Program (SBP) without having to submit a separate application. More than 30 million students participate in the NSLP and 14 million students participate in the SBP each school day.<sup>13,14</sup> Many of these children rely on school meals as their primary source of calories, consuming up to half of their daily calories during the school day.<sup>15</sup> More than just calories, the NSLP and the SBP provide students with balanced meals that meet national evidence-based nutrition standards and ensure they are getting fruits, vegetables, whole grains, and other necessary nutrients that set them up for long-term health. Healthy school meals, like those provided through the NSLP and SBP, are associated with better attendance rates and better test scores.<sup>16</sup>

An estimated 265,000 to 500,000 school aged children would lose eligibility for free lunch under the proposed rule. Estimates regarding the number of students potentially impacted varies. In 2018, CBO conducted an analysis on limitations for categorical eligibility as written in the 2018 Farm Bill. This report concluded that approximately 265,000 children would lose access to free school meals.<sup>17</sup> Other sources point to information confirmed by Food and Nutrition Service staff, according to a letter written by Chairman Bobby Scott, that 500,000 children would lose automatic eligibility for free school meals.<sup>18</sup> The Regulatory Impact Analysis in the proposed rule does not address the impact on school meals, an important technical finding in considering the impact of the proposed rule on food access in low-income households with school-age children. We strongly recommend that the Department analyze and publicly document the impact of the proposed rule on children's access to school meals.

While we understand that many of these students who would lose eligibility for free lunches could qualify for reduced price lunches and breakfasts, they would have to separately apply to determine eligibility. However, this analysis was not included in Regulatory Impact Analysis. We encourage the Department to include such in its full assessment of the proposed rule.

This proposed rule might not only affect individual families, but entire schools and school districts as the proposed rule could remove many schools from the Community Eligibility Provision, which allows

schools and districts in low-income areas to serve breakfast and lunch at no cost to students without collecting household applications.<sup>19</sup> In order to qualify for community eligibility, at least 40 percent of the student population must be certified to receive free school meals without an application.<sup>20</sup> Since the proposed revision would reduce the number of students who receive free school meals, schools' and school districts' abilities to take advantage of the Community Eligibility Provision could be in jeopardy. In addition, since the level of reimbursement for schools and school districts depends on the number of students eligible to receive free school meals, a decline in the number of these students may make community eligibility no longer a financially viable option in some schools and districts. This could limit access to school meals for thousands of students, present a barrier to access even for those who are eligible, and create an additional administrative burden by requiring eligible students to apply to verify eligibility. Elimination of community eligibility in a school or district could likely increase school lunch shaming, public shaming or bullying of students unable to pay for their lunch.

The community eligibility provision has been a popular option for schools of high need since its inception. School participation grew 14 percent from school year 2017 – 2018 to school year 2018 – 2019.<sup>21</sup> Nearly 13.6 million children in 28,542 schools benefited from the provision in 2018. The need for community eligibility is still present as increasingly schools are experiencing the health and academic benefits of the provision.

### **Proposed Rule is Inconsistent with Recent Congressional Action**

Lastly, the proposed rule goes against the will of Congress, as a similar provision was not included in the 2018 Farm Bill, which passed with bipartisan support. In addition, this exercise of executive action lacks transparency on the impact on school meal access, as this information was not included in the Regulatory Impact Analysis.

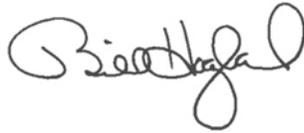
Reducing SNAP categorical eligibility also may create administrative barriers for new SNAP applicants and those who wish to keep their eligibility. In addition to reducing access to healthy foods, the proposed rule could increase administrative burden for state agencies as they would be required to process additional applications and certifications. According to the Regulatory Impact Analysis, the proposed rule would increase federal administrative costs by \$1.157 billion over five years, money that could be better spent on providing access to healthy food for low-income Americans.

### **Conclusion**

Thank you again for the opportunity to submit comments on this proposed revision of categorical eligibility in SNAP. BPC supports the goal of proposed regulation; however, we are concerned about the unintended consequences it could have on vulnerable elderly SNAP beneficiaries and low-income school children, which has not been adequately addressed in the Regulatory Impact Analysis. We look forward to continuing to work with you to ensure access to healthy meals and improve health outcomes.

If you have any questions or we can provide any additional information, please contact Tyler Barton at (202) 627-7918 or [tbarton@bipartisanpolicy.org](mailto:tbarton@bipartisanpolicy.org).

Sincerely,



G. William Hoagland  
Senior Vice President  
Bipartisan Policy Center

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<sup>1</sup> U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, National Health Expenditures 2016 Highlights, 2017. Available at: <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/downloads/highlights.pdf>.

<sup>2</sup> Center for Science in the Public Interest, “Why Good Nutrition is Important.” Available at: <https://cspinet.org/eating-healthy/why-good-nutrition-important>.

<sup>3</sup> USDA, Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program. [FNS-2018-0037].

<sup>4</sup> Ibid.

<sup>5</sup> U.S. News, “Proposed Changes to SNAP Will Impact Some States More than Others,” September 5, 2019. Available at: <https://www.usnews.com/news/healthiest-communities/articles/2019-09-05/proposed-changes-to-snap-will-impact-some-states-more-than-others>.

<sup>6</sup> RWJF, “New Research Analyzes State-Level Impact of USDA Proposal to End SNAP Broad-Based Categorical Eligibility,” 2019. Available at: <https://www.stateofobesity.org/new-research-analyzes-state-level-impact-of-usda-proposal-to-end-snap-broad-based-categorical-eligibility/>

<sup>7</sup> CDC, “Percent of U.S. Adults 55 and Over with Chronic Conditions,” November 6, 2015. Available at: [https://www.cdc.gov/nchs/health\\_policy/adult\\_chronic\\_conditions.htm](https://www.cdc.gov/nchs/health_policy/adult_chronic_conditions.htm).

<sup>8</sup> USDA, “Food Insecurity, Chronic Disease, and Health Among Working-Age Adults,” July 2017. Available at: <https://nopren.org/wp-content/uploads/2017/08/ERS-Report-Food-Insecurity-Chronic-Disease-and-Health-Among-Working-Age-Adults.pdf>.

<sup>9</sup> USDA, “Definitions of Food Security, September 2019. Available at: <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security/>”

<sup>10</sup> Ibid.

<sup>11</sup> Feeding America, “The State of Senior Hunger in America in 2017,” May 2019. Available at: [https://www.feedingamerica.org/sites/default/files/2019-06/The%20State%20of%20Senior%20Hunger%20in%202017\\_F2.pdf](https://www.feedingamerica.org/sites/default/files/2019-06/The%20State%20of%20Senior%20Hunger%20in%202017_F2.pdf)

<sup>12</sup> BPC, “Lots to Lose: How America’s Health and Obesity Crisis Threatens our Economic Future,” June 2012. Available at: [https://bipartisanpolicy.org/wp-content/uploads/2019/03/5023\\_BPC\\_NutritionReport\\_FNL\\_Web.pdf](https://bipartisanpolicy.org/wp-content/uploads/2019/03/5023_BPC_NutritionReport_FNL_Web.pdf)

<sup>13</sup> USDA, “The National School Lunch Program,” November 2017. Available at: <https://fns-prod.azureedge.net/sites/default/files/cn/NSLPFactSheet.pdf>.

<sup>14</sup> USDA, “The School Breakfast Program,” November 2017. Available at: <https://fns-prod.azureedge.net/sites/default/files/sbp/SBPfactsheet.pdf>.

<sup>15</sup> William Frist and Tom Daschle, “Let’s stand with retired military leaders to get healthy school meals over the finish line,” May 4, 2016. Available at: <https://thehill.com/blogs/congress-blog/healthcare/278659-lets-stand-with-retired-military-leaders-to-get-healthy-school>.

<sup>16</sup> Meyers, A F, Sampson, A E, Weitzman, M, Rogers, B L, and Kayne, H. “School Breakfast Program and School Performance.” *American journal of diseases of children* (1960) 143, no. 10 (October 1989): 1234–1239.

<sup>17</sup> School Nutrition Association, “Congressional Budget Office Releases New Farm Bill Analysis,” May 7, 2018. Available at: <https://schoolnutrition.org/news-publications/news/2018/congressional-budget-office-releases-new-farm-bill-analysis/>.

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<sup>18</sup> Robert Scott, Letter to the Honorable Sonny Perdue, July 26, 2019. Available at:

[https://edlabor.house.gov/imo/media/doc/2019-07-](https://edlabor.house.gov/imo/media/doc/2019-07-26%20Chairman%20Scott%20to%20Secretary%20Perdue%20SNAP%20Cat%20EI%20Proposed%20Rule%5B1%5D.pdf)

[26%20Chairman%20Scott%20to%20Secretary%20Perdue%20SNAP%20Cat%20EI%20Proposed%20Rule%5B1%5D.pdf](https://edlabor.house.gov/imo/media/doc/2019-07-26%20Chairman%20Scott%20to%20Secretary%20Perdue%20SNAP%20Cat%20EI%20Proposed%20Rule%5B1%5D.pdf).

<sup>19</sup> USDA, “Community Eligibility Provision,” April 9, 2019. Available at: <https://www.fns.usda.gov/school-meals/community-eligibility-provision>.

<sup>20</sup> USDA, “Community Eligibility Provision Evaluation,” February 2014. Available at: <https://fns-prod.azureedge.net/sites/default/files/CEPEvaluation.pdf>.

<sup>21</sup> Food Research and Action Center, “Community Eligibility: The Keys to Hunger-Free Schools: School Year 2018-2019,” May 2019. Available at: <https://www.frac.org/wp-content/uploads/community-eligibility-key-to-hunger-free-schools-sy-2018-2019.pdf>.