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RE: Changes to SNAP time limit waivers

The American Civil Liberties Union (“ACLU”) submits these comments on the advanced notice of proposed rulemaking published at 83 FR 8013 (February 23, 2018), RIN 0584-AE57, with the title “Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults without Dependents” (the “Proposed Rule”).

For nearly 100 years, the ACLU has been our nation’s guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee to everyone in this country. With more than 2 million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C. for the principle that every individual’s rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, gender identity or expression, disability, national origin, or record of arrest or conviction.

We believe SNAP plays a critical role in addressing hunger and food insecurity for many vulnerable low income people in our communities, particularly those who are reentering society from prison, LGBTQ individuals, women, and people with disabilities. We are concerned that these populations will be disproportionately harmed by changes to time limit waiver requirements and processes, and that this Proposed Rule will lead to eligibility restrictions that will only make it more difficult to access SNAP for people who are more likely to rely on it for support. Rather than promoting self-sufficiency, such restrictions would only add one more worry to these people’s lives—access to food.

We strongly oppose any administrative action by USDA that would cut more people off SNAP or force more people to navigate harsh and unnecessary program rules, and support state efforts and flexibility to ensure these populations have access to work training, employment, and SNAP eligibility.

I. Impact on People Reentering Society from Prison

The U.S. Department of Justice reports that over 600,000 people are released from state and federal prisons annually, and that more than 4.5 million people are subject to parole, probation, or some form of community supervision.¹ SNAP provides food assistance and supplements inadequate income for formerly incarcerated persons and those with arrest or conviction histories seeking employment and reintegrating back into society.

People returning to their communities typically face barriers to employment, such as a lack of work experience and occupational licensing bans that prohibit them from entry level jobs, and often need more than three months to find jobs. Research indicates that more than 60 percent of returning persons remain unemployed one year after release.²

People returning to their communities also disproportionately experience conditions that affect employment—like poverty, homelessness, and poor health—before entering prison, and return to those conditions upon release.³ Additionally, people returning may be challenged in meeting SNAP’s current 20-hour work requirement given competing parole and probation requirements, such as meetings with parole and probation officers, curfews, and required substance use disorder programs.

II. Impact on LGBTQ People

SNAP is an important support for LGBTQ people, who are more likely to rely on it than non-LGBTQ people. In 2014, same-sex couples were roughly 1.6 times more likely to both experience food insecurity and to participate in SNAP than were different-sex couples.⁴ According to a nationally representative survey commissioned by the Center for American Progress (CAP) in 2017, more than twice as many LGBTQ respondents as non-LGBTQ people (21% vs. 9%) reported using SNAP in the past year.⁵

¹ Ann Carson, “Prisoners in 2016,” US DOJ, BJS, Jan. 2018, available at <https://www.bjs.gov/content/pub/pdf/p16.pdf>; Danielle Kaebler and Lauren Glaze, “Correctional Populations in the United States, 2015,” US DOJ, BJS, Dec. 2016, available at <https://www.bjs.gov/content/pub/pdf/cpus15.pdf>.

² National Employment Law Center & In The Public Interest, *Reentry and Employment for the Formerly Incarcerated and the Role of American Trades Unions*, April 2016, available at <http://nelp.org/content/uploads/NELP-ITPI-Reentry-Employment-Formerly-Incarcerated-Role-American-Trades-Unions.pdf>.

³ National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Academies Press, 2014, available at <https://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.

⁴ Brown, T. N. T., Romero, A. P., & Gates, G. J., “Food Insecurity and SNAP Participation in the LGBT Community” (Los Angeles: The Williams Institute, 2016) available at, <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>

⁵ Caitlin Rooney, “LGBTQ people are more likely to turn to benefits like Medicaid and SNAP,” Center for American Progress, *forthcoming* 2018. Note that the comparison between the percentage of LGBTQ respondents reporting use of SNAP and the percentage of non-LGBTQ respondents reporting use of SNAP is statistically significant.

Here, too, poverty is an important factor. Same-sex couples are more likely to experience poverty than different-sex couples are,⁶ and this disproportionate rate of poverty is even more stark for LGBTQ women, transgender and gender nonconforming people, and LGBTQ people of color.⁷ Poverty is a leading cause of hunger and food insecurity, defined as having limited access to adequate food due to lack of money and other resources.⁸

But like people returning to their communities, LGBTQ people face barriers to employment, including discrimination. Over half of the U.S. population lives in a state without comprehensive nondiscrimination laws prohibiting employment discrimination based on sexual orientation and gender identity.⁹ A survey conducted in 2017 by NPR, Robert Wood Johnson Foundation, and Harvard T.H. Chan School of Public Health found that 1 in 5 LGBTQ people reported experiencing discrimination due to their sexual orientation or gender identity when applying for jobs and 22 percent reported experiencing this discrimination in pay or promotions.¹⁰ Sixteen percent of respondents to the 2015 U.S. Transgender Survey reported losing their job due to their gender identity or expression.¹¹ Respondents to that survey also reported a 15 percent unemployment rate, which was three times higher than the unemployment rate for the total U.S. population at the time.¹²

Employment discrimination can often be a barrier in meeting SNAP's work requirements for LGBTQ people, and should be a factor in considering the program's eligibility limitations.

III. Impact on People with Disabilities

People with disabilities and their families are significantly more likely to experience hunger and food insecurity, compared to people without disabilities. Similarly, people experiencing food insecurity have increased likelihood of chronic illness and disability. USDA's own research illustrates these connections.

⁶ M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community" (Los Angeles: The Williams Institute, 2013), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>

⁷ Ibid; Center for American Progress and Movement Advancement Project, "Paying an Unfair Price: The Financial Penalty for Being Transgender in America" (2015), available at <https://www.lgbtmap.org/file/paying-an-unfair-price-transgender.pdf>

⁸ See U.S. Department of Agriculture, Economic Research Service, "Definitions of Food Security," October 4, 2017, available at <http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx>; See also Bread for the World, "About Hunger," available at <http://www.bread.org/what-causes-hunger>, which states that "Poverty is the main cause of hunger in the world. This is true in rich and poor countries alike."

⁹ Movement Advancement Project, "Non-Discrimination Laws," last modified March 29, 2018, available at http://www.lgbtmap.org/equality-maps/non_discrimination_laws

¹⁰ NPR, Robert Wood Johnson Foundation, Harvard T.H. Chan School of Public Health, "Discrimination in America: Experiences and Views of LGBTQ Americans" (2017), available at <https://www.npr.org/documents/2017/nov/npr-discrimination-lgbtq-final.pdf>.

¹¹ Sandy E. James, "The Report of the 2015 U.S. Transgender Survey" (Washington: National Center for Transgender Equality), available at <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>

¹² Ibid.

In 2013, USDA researchers documented food insecurity among 33 percent of households with an adult age 16 to 64 with a disability who was not in the labor force, and 25 percent of households with other adults age 16 to 64 with disabilities – compared to 12 percent of households with no adult with a disability.¹³ The same study also found high rates of “very low food security” (the most severe level of food insecurity) among households with non-elderly adults with disabilities.¹⁴ Very low food security occurred in 17 percent of households with an adult age 16 to 64 with a disability and not in the labor force, and 12 percent of households with other adults age 16 to 64 – compared to 5 percent of households with no adult with a disability.

In another recent USDA study looking at people with 10 chronic health conditions, across the board researchers saw a “...statistically significant increase in the prevalence of chronic health conditions as food security worsens.”¹⁵

Studies have also consistently found high rates of food insecurity in households that include children with disabilities,¹⁶ and a robust literature has found that food insecurity and inadequate food intake can negatively affect children’s health and development.^{17,18} Older adults and seniors with disabilities are also much more likely to experience food insecurity, compared to their peers without disabilities.¹⁹

SNAP is therefore a vital resource for people with disabilities and their families, who comprise a substantial portion of program participants. According to the Center on Budget and Policy Priorities (CBPP), 11 million people with disabilities of all ages received SNAP in 2015, representing roughly one in four SNAP participants.²⁰ CBPP reviewed not only USDA

¹³ Coleman-Jensen, Alisha and Nord, Mark (2013). *Food Insecurity Among Households with Working-Age Adults with Disabilities*. U.S. Department of Agriculture, Economic Research Service.

https://www.ers.usda.gov/webdocs/publications/45038/34589_err_144.pdf?v=41284

¹⁴ The data analyzed by the USDA looked at “high food security,” “marginal food security,” “low food security,” and “very low food security.” “Very low food security” represented the most severe level of food insecurity, defined as “At times during the year, eating patterns of one or more household members were disrupted and food intake reduced because the household lacked money and other resources for food.”

¹⁵ Page 8, Gregory, Christian A. and Coleman-Jensen, Alisha (2017). *Food Insecurity, Chronic Disease, and Health Among Working-Age Adults with Disabilities*. U.S. Department of Agriculture, Economic Research Service.

<https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf?v=42942>

¹⁶ Parish, Susan L. et al (2015). *Food Insecurity among US Children with Disabilities*. Presentation at the National Association for Welfare Research and Statistics Annual Workshop, Atlanta, GA. <http://nawrs.org/wp-content/uploads/2015/09/2C-Parish-Food-Insecurity.pdf>.

¹⁷ American Academy of Pediatrics (2015). *Promoting Food Security for All Children*. Policy Statement, Council on Community Pediatrics, Committee on Nutrition.

<http://pediatrics.aappublications.org/content/pediatrics/136/5/e1431.full.pdf>

¹⁸ Child Trends Data Bank (2016). *Food Insecurity: Indicators of Child and Youth Well-Being*.

https://www.childtrends.org/wp-content/uploads/2016/12/117_Food_Insecurity-1.pdf

¹⁹ Strickhouser, Sara, Wright, James D., and Donley, Amy M. (2015) *Food Insecurity Among Older Adults*. AARP Foundation, Washington, DC. https://www.aarp.org/content/dam/aarp/aarp_foundation/2015-PDFs/AF-Food-Insecurity-2015Update-Final-Report.pdf. See Table 2, p. 28 for food security rates by disability status (employment-related).

²⁰ Carlson, Steven, Keith-Jennings, Brynne, and Chaudhry, Raheem (2017). *SNAP Provides Needed Food Assistance to Millions of People with Disabilities*. Washington, DC: Center on Budget and Policy Priorities. <https://www.cbpp.org/research/food-assistance/snap-provides-needed-food-assistance-to-millions-of-people-with>.

administrative data, but also data from the National Health Interview Survey (NHIS). The NHIS looks at disability more inclusively than the relatively narrow SNAP program definitions of “disability” used by the USDA to identify non-elderly people with disabilities.²¹ In 2015, USDA administrative data identified 13 percent of non-elderly SNAP recipients as having disabilities.²²

Many people with disabilities are already hurt by SNAP’s time limits, despite existing exemptions for people who receive governmental or private benefits on the basis of a disability or are able to document that they are “physically or mentally unfit for employment.”²³ For example, in a study of SNAP participants subject to time limits referred to participate in work activities in Franklin County, Ohio, one-third of individuals reported a “physical or mental limitation”.²⁴ It may seem simple to assert that “people with disabilities will be exempt,” but converting such a statement into an effective policy process is complicated, expensive, and fundamentally flawed. Under SNAP, states have no obligation to help people prove they are exempt, even if they have difficulty obtaining the necessary records or verification from a doctor. In addition, states are under no obligation to ensure that people with disabilities have access to the services they might need to work. People with disabilities often want to work, but need additional supports and services to obtain and keep jobs, in addition to facing discrimination and misconceptions about their ability to work.

SNAP’s work requirements are also a punitive condition on eligibility that deprive people of adequate food and fail to accommodate the needs of individual SNAP beneficiaries—with and without disabilities. In other programs that have implemented work requirements, participants with physical and mental health issues were more likely to be sanctioned for not completing the work requirement.²⁵ Even when there is an explicit exemption for people unable to comply due to health conditions, those exemption processes have failed in practice, leaving people with disabilities more likely than other participants to lose benefits.²⁶

²¹ See, 7 C.F.R. § 271.2, “Elderly or disabled member”.

²² *Supra* note 9.

²³ 7 C.F.R. § 273.24(c)(2). For the purpose of these time limits and work requirements, SNAP provides exemptions for people in several categories, including people who are “(2) Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she: (i) Is receiving temporary or permanent disability benefits issued by governmental or private sources; (ii) Is obviously mentally or physically unfit for employment as determined by the State agency; or (iii) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.”

²⁴ Ohio Association of Foodbanks. (2015). *Work Experience Program, Franklin County Comprehensive Report: Able-Bodied Adults Without Dependents 2014-2015*.

http://admin.ohiofoodbanks.org/uploads/news/ABAWD_Report_2014-2015-v3.pdf.

²⁵ See, e.g., Hasenfeld, Yeheskel et al. (2004). *The Logic of Sanctioning Welfare Recipients: An Empirical Assessment* Departmental Paper, University of Pennsylvania School of Social Policy and Practice, http://repository.upenn.edu/spp_papers/88.

²⁶ See, e.g., Cherlin, Andrew J. et. al. (2008). *Operating within the Rules: Welfare Recipients’ Experiences with Sanctions and Case Closings*, 76 Soc. Serv. Rev. 387, 398 (finding that individuals in “poor” or “fair” health were more likely to lose TANF benefits than those in “good,” “very good,” or “excellent health”); Vicki Lens, *Welfare and Work Sanctions: Examining Discretion on the Front Lines*, 82 Soc. Serv. Review 199.

IV. Impact on Women

SNAP plays a critical role in reducing hunger, food insecurity, and poverty for millions of women and families. If counted in the official poverty measure, SNAP would have lifted the incomes of more than 2.7 million people above the poverty line in 2016, including more than 854,000 women between the ages of 18 and 64.²⁷ In Fiscal Year (FY) 2016, SNAP served more than [44.2 million people in nearly 21.8 million households](#) on average each month, and women make up over half (63 percent) of adult SNAP recipients overall.²⁸ SNAP serves a diverse group of women, including elderly women and women with disabilities. White women make up 24 percent of nonelderly adult recipients, while 34 percent of nonelderly adult recipients are women of color.²⁹ Moreover, 34 percent of bisexual women, 32 percent of lesbians, and 24 percent of straight women between 18 and 44 report participating in SNAP.³⁰

In 2016, 3.8 million people qualified as Able-Bodied Adults without Dependents (ABAWDs), close to half of whom were female.³¹ As a group, ABAWDs are in dire need of basic assistance, with an average household income of only \$367 per month.³² Many face considerable barriers to employment, including low educational attainment, and may lose their SNAP benefits due to the time limit despite their willingness to work, since most states do not help them find work or training opportunities.³³

The [majority](#) of adult SNAP recipients who can work, do work. But low-paying and low-quality jobs are often the only ones available to low-income individuals, meaning many workers need SNAP to help them cover basic needs. And the nature of these jobs can make it highly challenging for those who hold them to consistently meet SNAP's 20-hour weekly work requirements—especially for women.

Of the more than 26 million people working in low-wage jobs (typically paying less than \$11 per hour), nearly six in ten are women—and women are close to seven in ten workers in the lowest-

²⁷ Nat'l Women's Law Ctr. calculations based on U.S. CENSUS BUREAU, 2017 CURRENT POPULATION SURVEY using Table Creator, available at <https://www.census.gov/cps/data/cpstablecreator.html>.

²⁸ Nat'l Women's Law Ctr. calculations based on U.S. DEP'T OF AGRIC., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2016 – TABLE A.23 – GENDER AND SNAP BENEFITS OF PARTICIPANTS BY SELECTED DEMOGRAPHIC CHARACTERISTICS 62 (Nov. 2017), available at <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2016.pdf>.

²⁹ Nat'l Women's Law Ctr. calculations based on U.S. CENSUS BUREAU, 2017 CURRENT POPULATION SURVEY using STEVEN RUGGLES ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2015).

³⁰ Government data is not available on the percentage of SNAP recipients who are LGBT. The data provided measuring sexual orientation is based on the population-based National Survey of Family Growth, administered in 2011-2013. See TAYLOR N. T. BROWN ET. AL., FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY, THE WILLIAMS INSTITUTE 13 (July 2016), available at <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.

³¹ U.S. Dep't of Agriculture, Food & Nutrition Services, Characteristics of Able-Bodied Adults without Dependents, available at <https://fns-prod.azureedge.net/sites/default/files/snap/nondisabled-adults.pdf>.

³² *Id.*

³³ NUNE PHILLIPS, CLASP, SNAP AND WORK, (January 2018), available at https://www.clasp.org/sites/default/files/publications/2018/01/2018_snapandwork.pdf.

wage occupations that typically pay less than \$10 per hour.³⁴ Many low-wage jobs that are primarily held by women—such as cashiers, maids and housekeepers, and restaurant servers—have work schedules that are often unpredictable, unstable, and inflexible.³⁵ Many offer only part-time work, despite many workers' need for full-time hours.³⁶ And women in low-wage jobs are especially likely to face discrimination and harassment at work, which can result in lost hours or voluntary or involuntary job loss.³⁷ All of these factors can make it difficult for low-income women to satisfy SNAP's 20-hour per week work requirement and makes women struggling with underemployment doubly vulnerable: if their employer schedules them for fewer hours, their wages decrease, *and* they are at risk of losing benefits.

Moreover, many of the ABAWDs who are unemployed for more than three months face significant obstacles to employment. Many women face long-term unemployment: 21.7 percent of women aged 20 to 64 years old have been unemployed for six months or more. Older women face higher unemployment rates (27.6 percent of women aged 45 to 54 years and 34.4 percent of women aged 55 to 64 years have been unemployed for six months or more),³⁸ and may have even more difficulty finding employment. Thus, SNAP's time limits for ABAWDs are in many cases ill-matched to women's actual experience of unemployment.

Cutting off unemployed women's access to SNAP does not address any of the many barriers that prevent them from finding and keeping a job. Instead of helping these women find employment, SNAP's three-month time limit only deprives them of critical assistance in meeting basic needs at the moment when they are most economically vulnerable.

V. Recommendations

Federal law limits SNAP eligibility for adults between the ages of 18 to 49 without dependents to just three months out of every three years—unless they can engage in work or job training activities at least half time, or qualify for an exemption. These provisions cut off food assistance at a time when people need it most and do not result in increased employment and earnings. At least 500,000 low-income individuals nationwide lost SNAP in 2016 due to this time limit.³⁹

³⁴ JASMINE TUCKER & KAYLA PATRICK, NWLC, *LOW-WAGE JOBS ARE WOMEN'S JOBS: THE OVERREPRESENTATION OF WOMEN IN LOW-WAGE WORK* (Aug. 2017), available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/08/Low-Wage-Jobs-are-Womens-Jobs.pdf>.

³⁵ See generally JULIE VOGTMAN & KAREN SCHULMAN, NWLC, *SET UP TO FAIL: WHEN LOW-WAGE WORK JEOPARDIZES PARENTS' AND CHILDREN'S SUCCESS* (Jan. 2016), available at <https://nwlc.org/wp-content/uploads/2016/01/Final-Set-Up-To-Fail-When-Low-Wage-Work-Jeopardizes-Parents%E2%80%99-and-Children%E2%80%99s-Success.pdf>.

³⁶ See generally JULIE VOGTMAN & JASMINE TUCKER, NWLC, *COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES* (April 2017), available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/Collateral-Damage.pdf>.

³⁷ NAT'L WOMEN'S LAW CTR., *SEXUAL HARASSMENT IN THE WORKPLACE* (Nov. 2016), available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2016/11/Sexual-Harassment-Fact-Sheet.pdf>.

³⁸ Nat'l Women's Law Ctr. calculations based on U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, *LABOR FORCE STATISTICS FROM THE CURRENT POPULATION SURVEY, TABLE A-36* (Mar. 09, 2018), available at <https://www.bls.gov/web/empsit/cpseea36.htm>.

³⁹ Center on Budget and Policy Priorities (2018). *Policy Basics: The Supplemental Nutrition Assistance Program (SNAP)*. <https://www.cbpp.org/research/policy-basics-the-supplemental-nutrition-assistance-program-snap>

While these time limits and 20-hour per week work requirements should be abolished, we recognize that is beyond the intended scope of the Proposed Rule. Therefore, we offer the following recommendations.

State Flexibility

We are deeply concerned that **Question 1 of the Notice** signals the Administration’s intent to expand the scope of the time limit cutoff and eliminate the little flexibility states possess to limit the damage of the Proposed Rule. Under current law, states have the flexibility to waive time limits in geographic areas within the state that have insufficient jobs or elevated unemployment. The rules governing areas’ eligibility for waivers have been in place for nearly 20 years and every state except Delaware has availed themselves of waivers at some point since the time limit became law. The waiver rules are reasonable, transparent, and manageable for states to operationalize. Any change that would restrict, impede, or add uncertainty to a state’s current ability to waive these limits and requirements for areas with elevated unemployment must not be pursued.

Additionally, we reject USDA’s suggestion in **Question 3 of the Notice** that potential changes to other aspects of the time limit policy, such as the individual exemption policy, would justify cutting people off SNAP by weakening states’ flexibility to waive the time limit in areas with elevated unemployment. This logic is unfounded. States’ current ability to exempt certain individuals from the rule is important but wholly insufficient and could never make up for having to apply the time limit in areas with elevated unemployment.

Employment and Work Requirements

If USDA wishes to explore “meaningful opportunities” for SNAP participants to increase self-sufficiency through employment, as described in **Question 2 of the Notice**, we recommend that the agency await the results of the 2014 Farm Bill Employment & Training pilot projects.⁴⁰ The 2014 Farm Bill authorized \$200 million for 10 state pilots seeking to increase employment among SNAP participants, and required a rigorous evaluation of state efforts. USDA awarded pilot grants in 2015, all 10 state programs are operational, and evaluation activities will operate through 2021. Already, a number of pilot states have cited multiple barriers faced by participants, including “health issues.”⁴¹ It will be important for USDA and the evaluators to carefully explore the experiences and outcomes of people with disabilities and their families in these pilot programs. USDA should await the final pilot evaluations before considering any changes in the areas contemplated under Questions 2 of the Notice—and should solicit additional public input as part of any future process.

Moreover, time limits and work requirements provide few if any additional services or resources to create new job opportunities, remove discriminatory barriers to job opportunities, improve

⁴⁰ See, <https://www.fns.usda.gov/2014-ET-Pilots>.

⁴¹ U.S. Department of Agriculture, *Evaluation of SNAP Employment and Training Pilots: Fiscal Year 2017 Annual Report to Congress*. <https://fns-prod.azureedge.net/sites/default/files/snap/SNAP-E-and-T-Report-Congress-FY2017.pdf>.

access to affordable child care, or increase funding for job training, employer accommodations, or other employment supports. The Proposed Rule makes clear that any added supports will be left entirely to states. The underfunded workforce system and SNAP employment and training programs are not designed or well suited to meet the job training requirements envisioned in this Proposed Rule. Inevitably, the added verification red tape will lead to coverage losses.

Therefore, we encourage you to seek ways to resource and support SNAP employment and training opportunities for formerly incarcerated persons, LGBTQ people, women, people with disabilities, and other individuals with similar barriers to employment. This support should be sensitive to the unique ways these communities experience poverty and barriers to employment, particularly when these identities overlap and intersect.

SNAP time limits and work requirements are a punitive condition on eligibility that deprive people of adequate food and fail to accommodate the needs of individual SNAP beneficiaries. For instance, in other programs that have implemented work requirements, participants with physical and mental health issues were more likely to be sanctioned for not completing the work requirement.⁴² Even when there is an explicit exemption for people unable to comply due to health conditions, those exemption processes have failed in practice, leaving people with disabilities more likely than other participants to lose benefits.⁴³

Short of eliminating time limits and work requirements, USDA should avoid actions that expose more people to eligibility limitations, particularly populations that disproportionately face barriers to employment and experience significantly higher rates of poverty and food insecurity.

If you have any questions or comments, please contact Senior Legislative Counsel Vania Leveille, vleveille@aclu.org or 202-715-0806; Legislative Counsel Kanya Bennett, kbennett@aclu.org or 202-715-0808; or Legislative Representative Ian Thompson, ithompson@aclu.org or 202-715-0837.

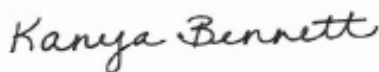
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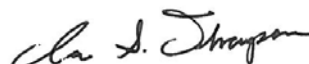
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⁴² See, e.g., Hasenfeld, Yeheskel et al. (2004). *The Logic of Sanctioning Welfare Recipients: An Empirical Assessment* Departmental Paper, University of Pennsylvania School of Social Policy and Practice, http://repository.upenn.edu/spp_papers/88.

⁴³ See, e.g., Cherlin, Andrew J. et. al. (2008). *Operating within the Rules: Welfare Recipients' Experiences with Sanctions and Case Closings*, 76 Soc. Serv. Rev. 387, 398 (finding that individuals in "poor" or "fair" health were more likely to lose TANF benefits than those in "good," "very good," or "excellent health"); Vicki Lens, *Welfare and Work Sanctions: Examining Discretion on the Front Lines*, 82 Soc. Serv. Review 199.