[Date]

SNAP Program Design Branch,

Program Development Division

Food and Nutrition Service

3101 Park Center Drive

U.S. Department of Agriculture

Alexandria, VA 22302

Re:  Notice of Proposed Rule Making -- Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP); Reopening of Comment Period RIN 0584-AE62

Dear SNAP Program Design Branch:

On behalf of [fill in organization if applicable] I/we appreciate the opportunity to comment on USDA’s Notice of Proposed Rule Making on a Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP) during the reopening of the comment period.

The proposed rule would gut states’ Broad-based Categorical Eligibility (“Cat El”) options to eliminate SNAP asset tests and use a higher income test to serve more working households that have significant expenses for shelter and child care. According to USDA’s initial Regulatory Impact Analysis, the proposed rule would eliminate SNAP benefits for 3.1 million households nationally.

The lately released Department’s analysis of the proposed rule’s impact on access to the School Breakfast and National School Lunch Program further highlights the serious harm the proposed changes would cause to our [students/students in most states in the country and our school/schools]*.* It indicates that the proposed rule would jeopardize free school meals for 1 million children. 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. The proposed rule would harm the health and well-being of many school children. It should be withdrawn.

[FILL IN INFORMATION ABOUT YOU, your school, city or your organization’s mission].  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

Hungry children cannot learn. [Insert information on the impact of hunger on academics, health, and behavior: See information contained in <https://www.frac.org/wp-content/uploads/breakfast-for-behavior.pdf> and in <http://frac.org/wp-content/uploads/breakfastforlearning-1.pdf>.]

School meals improve children’s food security, health and well-being. [See <https://frac.org/wp-content/uploads/hunger-health-role-federal-child-nutrition-programs-improving-health-well-being.pdf>]

According to the newly released USDA analysis, the proposed rule will jeopardize nearly one million children’s access to free school meals. Even assuming that their families could navigate the school meals application process successfully, the majority would no longer qualify for free school meals: 497,000 children would qualify only for reduced-price school meals and another 40,000 children would receive school meals only by paying regular price.

Given the current serious issues in many school districts with low-income working families struggling to pay for school meals even at reduced prices, the proposed rule would likely exacerbate the incidences of “lunch shaming” (occurring when families accumulate school meal debt and children are not provided the regular school meal) and/or cause the children to forgo getting the school meal entirely. Indeed, already one in four school districts are dealing with unpaid school meals fees. [INSERT ANY RELEVANT EXPERIENCE OR STORIES ABOUT THIS ISSUE.]

Numerous barriers—including literacy and language barriers--would keep some of the children that the proposed rule causes to lose direct certification from being certified for free or reduced-price school meals. [INSERT ANY RELEVANT EXPERIENCE OR STORIES ABOUT THIS ISSUE.]

Not only would this shift from direct certification to individual application processing create barriers to free or reduced-price school meals for children, schools would have to process many more school meal applications. The proposed rule creates a significant administrative cost for schools, which the new analysis fails to adequately address. [INSERT ANY RELEVANT EXPERIENCE OR STORIES ABOUT THIS ISSUE.]

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. [INSERT ANY RELEVANT EXPERIENCE OR STORIES ABOUT COMMUNITY ELIGIBILITY.]

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 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 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 El. Indeed, such CBO estimates were before Members of Congress when they were considering changes to Cat El 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 El, “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 El during its consideration of the 2018 Farm Bill. This USDA rulemaking is an attempt to sidestep Congress and is outside USDA’s authority.

[I/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.

Sincerely,