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December 10, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
Washington, D.C. 20528

Re: *DHS Docket No. USCIS-2010-0012*

Dear Secretary Nielsen:

As Democratic Members of the Education and the Workforce Committee, we write in strong opposition to the proposed rule entitled, "*Inadmissibility on Public Charge Grounds*," which would make drastic changes to current "public charge" policies.

Under the proposed rule, the public charge test would be dramatically changed so that officials would consider use of certain programs, which were never intended to be considered, to determine if an individual is likely to become a public charge, including the Supplemental Nutrition Assistance Program (SNAP), housing assistance, and Medicaid, among others. The programs the rule seeks to include support millions of middle-class families. We are concerned about the harm this rule will have on the health and well-being of children, including reduced access to and participation in federal child nutrition programs within the Committee's jurisdiction.

It is imperative that children have the proper nutrition. When children lack the necessary resources for consistent access to healthy food, they are at risk for malnutrition and other adverse health, educational, and developmental consequences.¹ Research finds that behavioral, emotional, mental health, and academic problems are more prevalent among children and adolescents struggling with hunger; teens experiencing hunger are more likely to have been suspended from school and have difficulty getting along with other children.²

Unfortunately, in 2017 nearly 3 million households with children were food insecure – unable to provide adequate, nutritious food for their children during the year.³ Children of immigrants

¹ First Focus, *Fact Sheet: The Public Charge Rule Harms Children*, (October 10, 2018) available at: <https://firstfocus.org/wp-content/uploads/2018/10/FACT-SHEET-Public-Charge-10.10.18-Final.pdf>

² Food Research & Action Center, *Research Brief: Breakfast for Learning*, (October 2016) available at: <http://frac.org/wp-content/uploads/breakfastforlearning-1.pdf>

³ United States Department of Agriculture's Economic Research Service, *Household Food Security in the United States in 2017*, Economic Research Report No. (ERR-256), (September 2018) available at: <https://www.ers.usda.gov/publications/pub-details/?pubid=90022>

already experience food insecurity at higher rates.⁴ Federal nutrition programs, such as SNAP, help fill the nutritional gap. In fact, a host of studies show that SNAP improves food security, dietary intake, and health, especially among children, and with lasting effects.⁵

The rule's inclusion of SNAP is likely to not only threaten children's ability to access needed SNAP benefits at home but will also have a negative impact on children's ability to access other needed benefits, particularly at school. Currently, school districts are required to directly certify, or automatically verify eligibility for, free school meals for students who are living in households receiving SNAP benefits. This allows low-income children to qualify for free meals at school without the use of an application. Nearly 14 million school-age SNAP participants were directly certified for free school meals during the 2014-2015 school year.⁵ Fundamentally, fewer families receiving SNAP means that fewer children will be directly certified for free meals at school – exacerbating the threat of food insecurity that many children would face under the rule. Fewer families participating in SNAP will also make it harder for high-poverty communities to provide free school meals to students. Enacted through the 2010 child nutrition reauthorization, the widely popular community eligibility provision (CEP) benefits schools, families, and students by providing an easier process to allow all children in high-poverty schools and communities to receive free meals. During the 2016–2017 school year, more than 9.7 million children in close to 21,000 schools took advantage of CEP, serving nutritious meals without the need for burdensome applications.⁶ The rule would make it harder for schools to use the CEP option and could result in fewer children accessing needed meals and increased paperwork for schools. The harm to schools and students will only be compounded by decreased access to other vital programs targeted by the rule, such as Medicaid and housing assistance.

In addition to adversely affecting children's access to food at school, the inclusion of SNAP in the proposed rule would diminish access to the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC eligibility can be determined through enrollment in other benefits, including Medicaid and SNAP, reducing the paperwork burden on individuals and ensuring that those who are eligible for WIC can easily access the program. In 2016, 74.9 percent of WIC participants were eligible for WIC due to eligibility for another program.⁷ The inclusion of Medicaid and SNAP in public charge review would undercut WIC's efforts to improve efficiency, streamline certification processes, and focus WIC services on its core public health mission.

Our Committee is tasked with ensuring that each child has an opportunity for success – both in the classroom and beyond. The future economic success and health of our nation's children

⁴ The Brookings Institution, *Feeding America's Children: Food Insecurity and Poverty*, (September 15, 2014) available at: <https://www.brookings.edu/blog/social-mobility-memos/2014/09/15/feeding-americas-children-food-insecurity-and-poverty/>

⁵ Includes those in schools participating in CEP and those in other special provision schools; United States Department of Agriculture's Food and Nutrition Service, *Direct Certification in the National School Lunch Program: State Implementation Progress, School Year 2014–2015 Report to Congress*, (December 2016) available at: <https://fns-prod.azureedge.net/sites/default/files/ops/NSLPDirectCertification2015.pdf>

⁶ Food Research & Action Center, *Community Eligibility Continues to Grow in the 2016–2017 School Year*, (March 2017) available at: http://frac.org/wp-content/uploads/CEP-Report_Final_Links_032317.pdf


⁸ United States Census Bureau, *The Supplemental Poverty Measure: 2015*, (September 13, 2016) available at: <http://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-258.pdf>


⁷ United States Department of Agriculture, *WIC Participant and Program Characteristics 2016 Final Report*, (April 2018) available at: <https://www.fns.usda.gov/wic/wic-participant-and-program-characteristics-2016>

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relies on protecting and strengthening access to the programs and supports that can enable them to succeed. This rule runs counter to these goals, and therefore, we urge you to withdraw this harmful proposal.

Sincerely,


ROBERT C. "BOBBY" SCOTT
Ranking Member

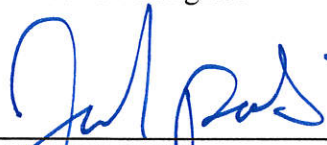

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