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September 23, 2019

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington DC 20250

RE: Proposed Rule: Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP) RIN 0584-AE62

Dear Secretary Perdue:

As Democratic Members of the House Committee on Education and Labor, we write in strong opposition to the proposed rule entitled "*Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program*," which, according to your staff's analysis, would result in more than 500,000 children losing their automatic eligibility for free school meals.

The Supplemental Nutrition Assistance Program (SNAP) is an effective anti-poverty and nutrition program and complements child nutrition programs that ensure children are fed nutritiously in school, during the summer, and in other care settings. In 2018, SNAP lifted more than 1.3 million children out of poverty.¹

In 2018, nearly one in seven children lived in a food insecure household that struggled to put enough nutritious food on the table.² Research shows that food insecurity has negative consequences for children. For example, when children do not have access to adequate nutritious food, they are ill-prepared to learn in school, and their academic performance suffers.³ Food insecurity among children is also associated with increased health care costs in both the long and short term.⁴

¹ L. Fox, *The Supplemental Poverty Measure: 2018*, U.S. Census Bureau (September 10, 2019), <https://www.census.gov/library/publications/2019/demo/p60-268.html>.

² A. Coleman-Jensen, M. Rabbitt, C. Gregory, et al. *Household Food Security in the United States in 2018*, United States Department of Agriculture Economic Research Service, (Sept. 2019), <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=963.1>.

³ J. Cook, K. Jeng, *Child Food Insecurity: The Economic Impact on our Nation*, Feeding America, (2009), <https://www.nokidhungry.org/sites/default/files/child-economy-study.pdf>.

⁴ V. Tarasuk, J. Cheng, C. de Oliveira, et al. "Association between household food insecurity and annual health care costs" *Canadian Medical Association Journal* (2015). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4502315/>

As you know, children who live in households that participate in SNAP are directly certified to receive free school meals through the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). In a phone briefing with Committee on Education and Labor staff on July 22, 2019, your staff stated that the Department's Food and Nutrition Service (FNS) estimates that the proposed rule will result in more than 500,000 children losing their automatic access to free school meals. Additionally, SNAP participation rates are used to determine eligibility for the Community Eligibility Provision (CEP), which enables schools and school districts in high-poverty communities to provide free meals to all students. CEP requires that schools meet an Identified Student Percentage (ISP) of 40 percent – meaning that 40 percent of students are directly certified for free school meals, such as through categorical eligibility for SNAP. Therefore, changes in categorical eligibility as a result of the proposed rule may have an impact above and beyond the Department's estimate of over 500,000 children losing their individual automatic eligibility for free school meals.

When the rule was published in the Federal Register, the Regulatory Impact Analysis (RIA) did not include discussion of the rule's impact on free school meal eligibility. Despite requests, the Department has not provided additional information regarding the impact of the proposed rulemaking on school meal eligibility nor an explanation of why the impact was not included in the RIA.⁵

Under section 1(b) of Executive Order 13563, Improving Regulation and Regulatory Review, the Department may propose a regulation “only upon a reasoned determination that its benefits justify its costs” and must “tailor its regulations to impose the least burden on society.” The effect on school meal eligibility represents a societal cost that the Department must consider in its review, so that stakeholders have the opportunity to comment on all aspects of the rule's impact. We are not only concerned that this information was not made available during the comment period. Other concerns we have include, but are not limited to, the negative impact the proposed rule would have on the food security and health of more than 500,000 children through its impact on automatic free school meal eligibility alone. Therefore, we are calling on you to withdraw the proposed rule.

Both the SNAP and school meals programs are critical in combatting food insecurity among children, ensuring children are fed nutritiously in school, during the summer, and in other care settings. By undermining access to these essential programs, the proposed rule would worsen child food insecurity, with detrimental effects on children's academic outcomes, health, and more.

Sincerely,



ROBERT C. “BOBBY” SCOTT
Chairman



SUSAN A. DAVIS
Member of Congress

⁵ Letter from Robert C. “Bobby” Scott, Chairman of the U.S. House of Representatives Educ. and Labor Comm., to Sonny Perdue, Sec’y of Agric. (July 26, 2019), available at [https://edlabor.house.gov/imo/media/doc/2019-07-26%20Chairman%20Scott%20to%20Secretary%20Perdue%20SNAP%20Cat%20EI%20Proposed%20Rule\[1\].pdf](https://edlabor.house.gov/imo/media/doc/2019-07-26%20Chairman%20Scott%20to%20Secretary%20Perdue%20SNAP%20Cat%20EI%20Proposed%20Rule[1].pdf); and letter from Robert C. “Bobby” Scott, Chairman of the U.S. House of Representatives Educ. and Labor Comm., to Sonny Perdue, Sec’y of Agric. (September 10, 2019) (on file with author).



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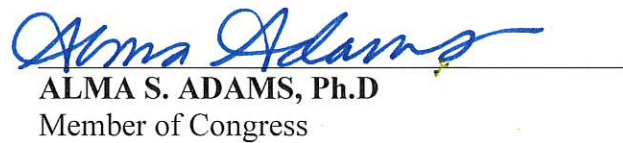
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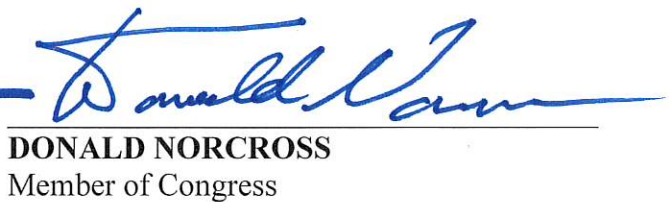
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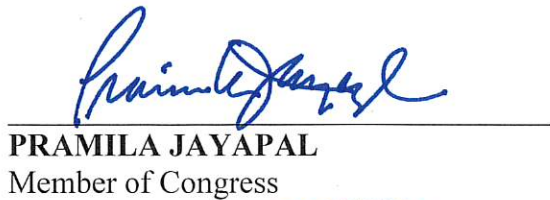
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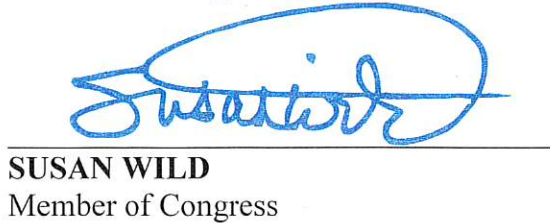
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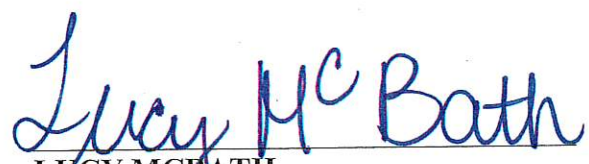
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