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Submitted via www.regulations.gov

Certification Policy Branch
SNAP Program Development Division
Food and Nutrition Service, USDA
3101 Park Center Drive
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP):
Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

Thank you for the opportunity to comment on USDA's proposed rule, "Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents (ABAWDs)." **The Southeast Asia Resource Action Center (SEARAC) is deeply concerned by the agency's attempt to further restrict food assistance.** While we support the goal of helping SNAP participants obtain and keep quality jobs that enable them to achieve economic security, the proposed rule would result in even more individuals losing access to nutrition assistance under SNAP, disproportionately including immigrants and people of color. Taking away access to food assistance programs will not result in increased employment and earnings and will exacerbate existing racial and ethnic inequities.

As a national civil rights organization that empowers Cambodian, Laotian, and Vietnamese American communities to create a socially justice and equitable society, we submit the following comment to oppose the proposed rule and provide insight on the continuing challenges refugees, immigrants, and people of color face in our economy.

SEARAC was founded in 1979 to support in the resettlement of refugees from Laos, Cambodia, and Vietnam following the Vietnam war, ruthless Khmer rouge-orchestrated genocide, and bombings in Laos. Today, Southeast Asian Americans (SEAAs) make up the largest refugee community ever to resettle in the United States after the US-backed war in their homeland. As survivors of war, genocide, and intergenerational trauma, SEAAs have relied on government services such as SNAP to help them live and thrive in

this country. SEAs total nearly 2.7 million across the nation¹ and are active community members contributing to the fabric of our society.

SNAP Matters

SNAP is our nation's most important anti-hunger program, providing food assistance to youth, working families, people with disabilities, seniors, and many more. SNAP helps approximately 39 million people in nearly 20 million households put food on the table. In 2015, more than ten percent of Asian American and Pacific Islander (AAPI) families received SNAP benefits, while many more are likely eligible but unenrolled due to cultural stigma and insufficient program outreach to AAPI groups.

For SEAs, the reliance on SNAP is even greater. Due to their unique refugee legacy and history of displacement, SEA communities experience poverty at high rates, with 11% of Lao families, 13% of Vietnamese families, 14.9% of Cambodian families, and 16.3% of Hmong families still living below the poverty line.² As such, SNAP plays a critical role in addressing hunger and food insecurity among SEAs. **According to the 2017 American Community Survey, 11% of Vietnamese, 14.3% of Lao, 17.7% of Cambodian, and 24% of Hmong community members relied on SNAP.**³

SNAP Already Has Harsh Time Limits and Work Requirements In Place

Federal law currently limits non-disabled adults ages 18-49 without dependent children to just 3 months of SNAP in a 36-month period unless they engage in work or job training activities at least half time.⁴ The current rule is harsh and unfair. Requiring a set number of work hours to be documented each month already causes lots of eligible people to lose needed assistance—particularly workers juggling multiple jobs and unpredictable, constantly fluctuating work schedules.

When several states reinstated this time limit in 2016 after suspending it due to the Great Recession, at least 500,000 people lost SNAP benefits.⁵ Many more geographic regions will now be required to reinstate the time limit if the proposed rule goes into effect. Time limits harm vulnerable people by denying them food benefits at a time when they most need it. Additionally, people subject to the time limit face considerable employment challenges, including a lack of reliable transportation, unstable housing arrangements, limited English proficiency, engagement with the criminal justice system, unstable work histories, or undiagnosed physical or mental limitations.⁶

¹ American Community Survey (ACS) - U.S. Census Bureau, 2013 3-year estimates

² American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

³ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

⁴ Center on Budget and Policy Priorities, "Unemployed Adults Without Children Who Need Help Buying Food Only Get SNAP For Three Months," <https://www.cbpp.org/unemployed-adults-without-children-who-need-help-buying-food-only-get-snap-for-three-months>.

⁵ Ed Bolen, Dottie Rosenbaum, Stacy Dean, et al., *More Than 500,000 Adults Will Lose SNAP Benefits in 2016 as Waivers Expire*, Center on Budget and Policy Priorities, March 2016, <https://www.cbpp.org/research/food-assistance/more-than-500000-adults-will-lose-snap-benefits-in-2016-as-waivers-expire>.

⁶ Ibid. 8.

Under current law, states have some flexibility to ameliorate the impact of the cutoff. They can request a waiver of the time limit for areas within the state that have 10 percent or higher unemployment rates or, based on other economic indicators, have “insufficient jobs.” Moreover, states have discretion to exempt individuals from the time limit by utilizing a pool of exemptions (referred to as “15 percent exemptions”). While the 2018 Farm Bill modified the number of exemptions that states can receive each year from 15 percent to 12 percent, it did not change their ability to carry over unused exemptions forward.

Immigrant Eligibility for SNAP is Extremely Limited, and Immigrant Participation in SNAP is Already Declining

Following welfare reform in 1996, a person must be a U.S. citizen or an eligible, lawfully-present non-citizen to qualify for SNAP benefits. Non-citizens are rarely eligible for SNAP (and undocumented immigrants never are), but certain legal immigrants may be eligible if they fulfill the other requirements. For example, many legal immigrants may be eligible for SNAP after they are in the country for five years, if they meet the other requirements.⁷ And while eligibility requirements for SNAP enrollment has not changed, many community members stopped participating in the program at a higher-than-normal rate in 2018.⁸

The Trump Administration’s relentless anti-immigrant rhetoric and policies are driving low-income immigrant families away.⁹ **In response to proposed regulation expanding the definition of public charge last year, over 600 of SEARAC’s community members submitted comments to oppose this effort to deter immigrants from seeking public benefits.**

In general, immigrants are often unaware of the SNAP program or are confused about their eligibility for benefits.¹⁰ Many immigrants in mixed-status families are not aware that some of their family members are eligible for SNAP, and immigrants face complicated administrative burdens due to caseworkers’ lack of familiarity with foreign identity documents.¹¹ In fact, federal agencies have been working to overcome the barriers immigrants face to enrolling in benefits rather than adopting policies such as this proposal, which will only exacerbate current disparities in immigrant access to the

⁷ *Supplemental Nutrition Assistance Program: Guidance on Non-Citizen Eligibility*, U.S. Department of Agriculture, June 2011, https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf.

⁸ Allison Bovell-Ammon, “Trends in Food Insecurity and SNAP Participation Among Immigrant Families of U.S. Born Young Children,” *Children's HealthWatch*, November 2018, <http://childrenshealthwatch.org/study-following-10-year-gains-snap-participation-among-immigrant-families-dropped-in-2018/>.

⁹ Helena Bottemiller Evich, “Immigrant Families Appear to be Dropping Out of Food Stamps,” *POLITICO*, November 2018, <https://www.politico.com/story/2018/11/14/immigrant-families-dropping-out-food-stamps-966256>

¹⁰ Susan Bartlett, Nancy Burstein, William Hamilton, et al., *Food Stamp Access Study: Final Report*, U.S. Department of Agriculture, November 2004, <https://naldc.nal.usda.gov/download/45671/PDF>.

¹¹ Krista M. Perreira, Robert Crosnoe, Karina Fortuny, et al., *Barriers to Immigrants’ Access to Health and Human Services Programs*, U.S. Department of Health and Human Services, May 2012, <https://aspe.hhs.gov/system/files/pdf/76471/rb.pdf>.

SNAP program.¹² **Given SNAP's record of alleviating poverty and food insecurity and improving health and employment outcomes, the USDA should be working to remove the barriers immigrant families face in accessing SNAP rather than further restricting access and increasing disparities for immigrant families.**

SEAs Are Likely to Have Previous Histories of Incarceration, Due to Insufficient Resettlement Support and Overcriminalization Of Neighborhoods of Color, Which in Turn Limits Their Job Opportunities

Upon initial resettlement into America, many SEAs were placed in communities with high rates of poverty and gang violence. With little to no resources and guidance, many SEA children and young adults fell within the cracks of a harsh criminal justice system. During the prison boom in the 1990's, the AAPI prison population grew 250% while the overall prison population grew by only 77%.¹³ **A study by the National Center on Crime and Delinquency (NCCD) found that SEA youth had some of the highest rates of arrest and incarceration in states like California.¹⁴ They were also more prone to harsh sentencing compared to their white counterparts who committed similar offenses.¹⁵**

After release, formerly incarcerated individuals fare poorly in the labor market, with most experiencing difficulty finding a job after release. Research shows that roughly half of people formerly incarcerated are still unemployed one year after release.¹⁶ For those who do find work, it's common to have annual earnings of less than \$500.¹⁷ Further, during the time spent in prison, many lose work skills and are given little opportunity to gain useful work experience.¹⁸ People who have been involved in the justice system struggle to obtain a driver's license, own a reliable means of transportation, acquire relatively stable housing, and maintain proper identification documents. These obstacles often prevent them from successfully re-entering the job market and are compounded by criminal background checks, which further limit access to

¹² Robert Crosnoe, Juan Manuel Pedroza, Kelly Purtell, et al., *Promising Practices for Increasing Immigrants' Access to Health and Human Services*, U.S. Department of Health and Human Services, May 2012, <https://aspe.hhs.gov/system/files/pdf/76471/rb.pdf>.

¹³ Oh, A., and Umemoto, K. AAPIs: From incarceration to reentry. *Amerasian Journal*. 2005;31(3):43-59

¹⁴ Asian/Pacific Islander Youth Violence Prevention Center. Asian/Pacific Islander communities: an agenda for positive action. Oakland: National Council on Crime and Delinquency, 2001.

¹⁵ Males, M., and Macallair, D. *The color of justice*. Washington, DC: Building Blocks for Youth, 2000.

¹⁶ Adam Looney and Nicholas Turner, *Work and Opportunity Before and After Incarceration*, The Brookings Institution, March 2018, <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>; Joan Petersilia, *When Prisoners Come Home: Parole and Prisoner Reentry*, Chicago, Ill: University of Chicago Press, 2003, <https://www.amazon.com/When-Prisoners-Come-Home-Prisoner/dp/O195386124>; Jeremy Travis, *But They All Come Back: Facing the Challenges of Prisoner Reentry*, Washington, D.C.: Urban Institute Press, 2005, <https://www.amazon.com/But-They-All-Come-Back/dp/O877667500>.

¹⁷ Ibid., 41.

¹⁸ Christy Visher, Sara Debus, and Jennifer Yahner, *Employment after Prison: A Longitudinal Study of Releasees in Three States*, The Urban Institute, October 2008, <https://www.urban.org/sites/default/files/publication/32106/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>.

employment.¹⁹ A recent survey found that 96 percent of employers conduct background checks on job applicants that include a criminal history search.²⁰

Limited English Proficiency Limits Job Opportunities for Many SEAs

Navigating the job market is additionally difficult for many SEAA refugees and immigrants who are limited English proficient. **According to the 2017 census, 35.4% of Cambodians, 32.1% of Hmong, 32.9% of Lao, and 45.1% of Vietnamese immigrants speak English less than “very well”.**²¹ Studies show that people with the lowest level of English-speaking ability are less likely to be employed, less likely to find full-time work when employed, and, even having found full time employment, experience lower median earnings overall compared to those who speak only English.²² Punishing these already vulnerable populations by taking away critical benefits under SNAP is inhumane and counterproductive.

Proposal Would Weaken the Economy as a Whole

SNAP has historically served as an economic stabilizer in changing times. It helps to shorten recessions and dampen the effects of an economic cycle in downturn. It supports struggling families and students who work hard to make ends meet. Without the mitigating effects of SNAP, the impact of recessions can escalate. The proposed rule inhibits SNAP from rapidly responding to changing economic conditions, and the resulting impact on the economy will affect all job seekers. In addition, by the Administration’s own calculations, the proposed rule would take food away from 755,000 low-income Americans, resulting in a loss of at least \$15 billion in SNAP benefits over 10 years. These cuts will also have negative economic ripple effects, as SNAP benefits also have been shown to have positive multiplier effects on state and local economies and to create new agricultural jobs.²³

¹⁹ Marina Duane, Nancy La Vigne, Mathew Lynch, et al., *Criminal Background Checks: Impact on Employment and Recidivism*, The Urban Institute, March 2017, https://www.urban.org/sites/default/files/publication/88621/2017.02.28_criminal_background_checks_report_finalized_blue_dots_1.pdf.

²⁰ Thomas Ahearn, “Survey Finds 96 Percent of Employers Conduct Background Screening,” Employment Screening Resources, August 2017, <http://www.esrcheck.com/wordpress/2017/08/03/survey-finds-96-percent-of-employers-conduct-background-screening/>.

²¹ American Community Survey (ACS) - U.S. Census Bureau, 2017 1-year estimates

²² Jennifer Cheeseman and Hyon B. Shin, Population Division, U.S. Census Bureau, *How Does Ability to Speak English Affect Earnings?*, https://www.census.gov/hhes/socdemo/language/data/acs/PAA_2005_AbilityandEarnings.pdf

²³ Mark M. Zandi, *Assessing the Macro Economic Impact of Fiscal Stimulus 2008*, January 2008, <https://www.economy.com/markzandi/documents/Stimulus-Impact-2008.pdf>; Kenneth Hanson, *The Food Assistance National Input-Output Multiplier (FANIOM) Model and Stimulus Effects of SNAP*, U.S. Department of Agriculture, October 2013, https://www.ers.usda.gov/webdocs/publications/44748/7996_err103_1.pdf?v=41056; “The Benefits of Increasing the Supplemental Nutrition Assistance Program Participation in Your State,” U.S. Department of Agriculture, December 2011, https://www.fns.usda.gov/sites/default/files/bc_facts.pdf; “Chart Book: SNAP Helps Struggling Families Put Food on the Table,” Center on Budget and Policy Priorities, March

Conclusion

Adding additional barriers to accessing nutritious food will make it even more difficult for individuals already facing economic inequity and discrimination to find and maintain employment. By failing to consider existing disparities and discrimination, the proposed policy will only exacerbate racial and ethnic injustice in our county.

SEARAC strongly opposes this proposed rule that would expose even more people to the arbitrary food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions, hurting many low-income SEAA community members. It is counter to our values as Americans to deprive families in need of support from this critical lifeline. We encourage the USDA to instead dedicate its efforts to advancing policies that truly support economic security by promoting the ability of immigrants and people of color to thrive.

Sincerely,



Quyen Dinh
Executive Director
SEARAC