



May 12, 2016  
Ms. Mary Rose Conroy, Chief  
Program Design Branch  
Food and Nutrition Service  
3101 Park Center Drive  
Room 810  
Alexandria, VA 22302

**Re: Proposed Rule: Supplemental Nutrition Assistance Program Promotion (RIN 0584-AE44)**

Dear Ms. Conroy:

Thank you for the opportunity to comment on the Food and Nutrition Service's Proposed Rule implementing Section 4018 of the Agricultural Act of 2014. The Center for Law and Social Policy (CLASP) is a national, nonpartisan, anti-poverty organization advancing policy solutions that work for low-income people. CLASP advocates for public policies and programs at the federal, state, and local levels that reduce poverty, improve the lives of poor people, and create ladders to economic security for all.

The Supplemental Nutrition Assistance Program (SNAP) is a vital support for many low-income people, but barriers to access leave troubling gaps in coverage. While the national participation rate among SNAP eligible people has improved, approximately one in six eligible people are still missing out on these basic anti-hunger benefits. Participation rates are much lower for some groups, including seniors and college students. For example, [recent research by the Institute on Women's Policy Research revealed that just 27% of undergraduates who are likely eligible for SNAP participate in the program](#). "Likely eligible" means students with incomes under 130% of the federal poverty line who are work at least 20 hours per week, take part in work-study, receive TANF or have a dependent child under age 6.

SNAP outreach is a critical tool for ensuring that eligible persons are informed about their eligibility and receive assistance to navigate the application process. If not for outreach efforts, many people who are eligible for the program would not be aware of their eligibility and would unnecessarily struggle with hunger. As such, CLASP believes that the new proposed rules should not interfere with outreach activities that aim to educate and inform people of their eligibility for SNAP and the benefits SNAP offers.

In the 2014 Farm Bill Congress refined the rules around outreach and recruitment activities in SNAP. This provision was passed in order to clarify the types of recruitment activities that are prohibited under the rules. While federal law has long prohibited recruitment activities designed to persuade an individual who has made an informed choice not to apply for SNAP to change his or her decision to apply, Congress found it necessary to clarify that definition. We believe that the proposed rule correctly meets legislative intent. In particular, we support the following proposed policies:

- The proposed rule clarifies that prohibited recruitment activities does not include: providing accurate program information to dispel misinformation, answering questions about SNAP, providing assistance in filling out forms or obtaining verification documents, providing basic information about SNAP availability, application procedures, eligibility requirements, and the benefits of the program. Each of these activities is essential in making sure that eligible people who want and assistance are connected to SNAP.
- The proposed rule clarifies that the changes as part of the Farm Bill do not preclude specialized services for eligible SNAP applicants, including application assistance.
- The proposed rule clarifies that sharing information about SNAP on social media is permissible. Social media is an increasingly important form of communication among many populations and an important tool to dispel myths surrounding SNAP and provide individuals with program and eligibility information.

However, we have some concerns that some of the language could be interpreted as limiting the ability to provide information to potential applicants. In order to ensure that outreach efforts are not inaccurately deemed promotional by community-based organizations, state agencies, and other outreach partners, CLASP urges FNS to address the following changes in the final rule:

1. **Retain “informed choice” in the definition of Recruitment.** The current regulation at 7 C.F.R. §277.4(b) prohibits recruitment activities designed to persuade an individual who has already made an informed choice not to apply for SNAP. By not including similar language in the proposed rule, FNS may inadvertently signal that outreach providers cannot share factual information with individual who may be hesitant to learn more about SNAP due to myths and misconceptions. The final rule should codify FNS’ long-standing practice of prohibiting outreach entities from using coercive or intimidating practices, but should not go so far as to suggest that providing educational information to individuals who have not yet had the opportunity to make an informed choice is prohibited.

We think it is very important that the final SNAP regulations include language that reinforces that SNAP outreach organizations are permitted to help applicants make an “informed choice.” This language is important because many times individuals may be reluctant to apply because of a rumor or misinformation about the program.

We believe that providing factual information is not inappropriate persuasion and that follow-up questions to potential SNAP applicants often are necessary to help identify whether a perceived lack of interest in applying is based on myths or other incorrect facts about SNAP.

We recommend that the final rule should clearly include the long-standing “informed choice” standard of the SNAP outreach rules and that FNS should make it clear that follow-up questions do not constitute undue persuasion.

2. **Modify examples of persuasive practices.** Examples in the proposed rule could create confusion about when providing information may be considered persuasive.

The first example of a persuasive practice provided in the preamble to the rule is problematic because it does not state the food pantry visitor is making an informed choice about SNAP when they state they do not wish to hear additional information.

Example: “A worker funded by SNAP funds is staffing a SNAP informational table at a food pantry. A food pantry visitor comes to the table, but soon replies that he is not interested in learning more. The worker continuing to discuss SNAP with the visitor would constitute a persuasive practice because the visitor has clearly expressed a lack of interest and should not be pressured to apply”

This example is not consistent with the definition of prohibited recruitment activities. The example implies that the SNAP worker would not be able to provide factual information, seemingly contradicting the definition of persuasive practices. Furthermore, the example implies that a lack of interest on the part of the visitor is equivalent to informed consent, which we argue is not a correct interpretation of informed consent. **CLASP asks that this example be clarified to state that the SNAP worker may provide factual information, but may not do so in a manner that pressures the individual to apply for SNAP.**

CLASP is also concerned about the following example: “An outreach worker is talking to a senior citizen who explains that he does not think he is eligible because he owns his own home. The worker would be allowed to correct this misconception, provided the senior citizen does not express disinterest in learning more.”

This example is problematic because allowing outreach workers to correct misconceptions after an individual expresses “disinterest in learning more” is not equivalent to coercing an individual to apply. Rather, by providing an individual with accurate information, the outreach worker is empowering that individual to make an informed decision for himself. **CLASP requests that “provided the senior citizen does not express disinterest in learning more” be eliminated from this example.**

Many populations, including seniors, have misconceptions about eligibility for SNAP and only through accurate education will those myths and misconceptions be corrected. Another example of a population that often has misconceptions about SNAP eligibility is college students who qualify for one of the exceptions to the overall limitations on student eligibility for SNAP. Examples provided in the preamble should clearly demonstrate that providing information about SNAP, particularly to underserved populations such as the elderly and students in order for them to make an informed choice about application, is not persuasive activity.

Thank you for consideration of our comments.

Sincerely,

Suzanne Wikle  
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