Thomas Vilsack
Secretary, U.S. Department of Agriculture
1400 Independence Ave. SW
Washington, DC 20250

Re: Identifying Barriers in USDA Programs and Services; Advancing Racial Justice and Equity and Support for Underserved Communities at USDA, Docket No. USDA-2021-0006

Submitted via the Federal eRulemaking Portal at https://www.regulations.gov/.

Dear Secretary Vilsack:

The Center for Law and Social Policy (CLASP) is a national, nonpartisan, nonprofit organization whose mission is advocating for policies that advance economic and racial justice. Founded more than 50 years ago, CLASP works to develop and implement federal, state, and local policies (in legislation, regulation, and on the ground service delivery) that reduce poverty, improve the lives of people with low incomes, tear down barriers arising from systemic racism, and create pathways to economic security. In the last several years, CLASP has strengthened our commitment to racial equity internally and externally, in all aspects of our operations, advocacy, and partnerships. Our responses to this RFI draw on our racial equity journey, including state and national policy advocacy, data analysis, and coalitions that center racial equity, as well as our deep commitment to connecting individuals with lived experience and expertise to policy design, implementation, and advocacy. We would be delighted to follow up on any aspect of these comments, including connecting federal officials to state and local partners and to individuals with lived experience with SNAP and other USDA programs.

Our comments address general questions 4, 5, 7, and 8 in the RFI, drawing on different aspects of our work. To follow up with any questions or for further clarification, please contact Parker Gilkesson (pgilkesson@clasp.org), Policy Analyst at CLASP.

General Question 4. *Are there USDA policies, practices, or programs that perpetuate systemic barriers to opportunities and benefits for people of color or other underserved groups? How can those programs be modified, expanded, or made less complicated or streamlined, to deliver resources and benefits more equitably?*

Food is necessary to live, function and thrive. Therefore, having adequate and accessible food is economic justice. The SNAP program already helps to pull families out of poverty, but we must also hold space for the fact that the program has great room to be strengthened.

Due to persisting racial economic disparities and discrimination in hiring practices, average hourly wages for Black and Latinx workers are substantially lower than their white counterparts. In 2017, for adults age 18-64, the poverty rate of the general population is 11%. That percentage is significantly higher for Latinx people who have a poverty rate of 15% and even higher for Black people who have a poverty rate of 18%. This disparity makes it more likely that Black and Latinx individuals will benefit from programs that support work by helping them access nutritious food. The same is true for certain subgroups of Asian and Pacific Islanders that are particularly at risk of poverty, such as Marshallese (41% poverty rate), Burmese (38%), Hmong (26.1%) and Tongans (22.1%). In other words, people of color are at a greater risk of experiencing administrative burden when trying to access programs because of persistent discrimination in the labor market that increase the likelihood of POC being eligible for USDA programs. However, the consequences of subpar benefits delivery or other failings also disproportionately harm people of color because the failings themselves are intentional and often grounded in racist stereotypes of the people who experience poverty. The racist history of these policies and practices that perpetuate systematic barriers to benefits are discussed in the sections below.

Poverty is often seen as an individual choice, not a systemic structure—leading people to believe that they are at fault. When in reality, people living in poverty are not responsible for their circumstance. We are all participating in purposely broken systems that reinforce the very stereotypes that discouraged them from applying in the first place. Therefore, people are presented with a dilemma. Do they apply for public benefits and subject themselves to mistreatment, overpolicing, shame, and the possibility of being labeled an unfit parent, a leech, fraud, or welfare queen? Or do they continue struggling to make ends meet without getting assistance? Many Americans continue to attribute poverty to laziness—too much assistance for low-income households rather than too little and individual will—while discounting the impact of systemic racism and the realities of the American economy.

One of the key factors that determines participants' experiences with SNAP is that while eligibility rules and benefit levels are set at the national level, and benefits are entirely federally funded, the program is administered at the state level, and in some states at the county level. This delivery system results in a huge variation across states in participants' experiences with SNAP and in the likelihood that an individual who is eligible to receive SNAP benefits actually does so. In some states, nearly all eligible people receive SNAP benefits, while other states fail to reach even two-thirds of those who are eligible. FNS currently reports SNAP participation rates by state; this data should also be disaggregated by race and ethnicity. While underpayments to participants are counted as part of the SNAP error rate, there is no accountability for failure to reach people at all. FNS should work with states to improve administration of the SNAP program and should seek authority to hold states accountable for poor performance in reaching all who are eligible.

ABAWD Time Limits and Mandatory Employment and Training (E&T)

Time Limits

Federal law currently limits adults ages 18-49 without dependent children or documented disabilities to just 3

[months of SNAP in a 36-month period](#) unless they engage in work or work-related activities at least half time or participate in workfare. The current rule is harsh and unfair. Time limits harm vulnerable people by denying them food benefits at a time when they most need it. [People subject to the time limit face particular employment challenges](#), including a lack of reliable transportation, unstable housing arrangements, involvement with the criminal justice system, unstable work histories, or undiagnosed physical or mental limitations.

Unlike work reporting requirements in most public assistance programs, SNAP time limit rules do not require states to offer options for meeting work reporting requirements before cutting people off benefits. Historically, most states have chosen not to [help people subject to the time limit find qualifying work](#) or training activities. Many individuals will lose SNAP if they cannot find a qualifying activity–which does not include job search–on their own. [Lessons learned](#) from TANF, SNAP, and other programs demonstrate that work reporting requirements are not effective in connecting people to living-wage jobs. As laid out by the Center on Budget and Policy Priorities (CBPP) in a review of rigorous evaluations, research shows that employment increases among individuals subject to work reporting requirements were modest and faded over time. In nearly [all of the approximately dozen programs evaluated](#), employment among recipients not subject to work reporting requirements was the same as or higher than employment among individuals subject to work reporting requirements within five years. A recent study from FNS confirms that "there was no evidence that the ABAWD time limit increased employment or annual earnings."[1]

Work reporting requirements are not only ineffectual but have opportunity costs: the time that a SNAP recipient loses in low-intensity programs or low-wage jobs simply to meet requirements could have been spent obtaining skills and credentials, finding a quality job, and increasing their earnings. A much better focus for public policy is to invest in strategies that support people to develop skills and access training that prepares them for jobs that pay living wages and foster an economy that creates more quality jobs with fair wages.

Mandatory SNAP E&T

[Mandated work programs are harmful](#) because they threaten to take away benefits from people who are unable to comply with arbitrary rules. Instead of spending time receiving necessary skills, resources, and education, recipients must spend time complying with regulations to keep food on their tables, and states must spend time and resources on government bureaucracy rather than serving clients with the programs needed to succeed. Furthermore, mandatory work programs encourage recipients to enter into the labor market sooner, with less necessary tools to be successful in finding a stable position with livable wages.

Over the past decade, some state and local leaders have worked hard to intentionally engage SNAP recipients in high-quality, voluntary programs that give participants the skills and credentials to achieve lasting economic security and develop partnerships for SNAP Employment & Training (E&T). The effort to expand high-quality SNAP E&T programs, still in early stages, require substantial resources and capacity to deliver outcomes. A recent Government Accountability Office (GAO) study notes that "many states have reported to [FNS] that offering employer-driven, skills-based, intensive employment and training services, such as vocational training or work experience, through voluntary programs yields more engaged participants with stronger outcomes." FNS explained to GAO that [voluntary programs are less administratively burdensome than mandatory programs, as they allow states to focus on serving motivated participants rather than sanctioning non-compliant individuals."](#)

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[1] [The Impact of SNAP Able Bodied Adults Without Dependents (ABAWD) Time Limit Reinstatement in Nine States | USDA-FNS](#)

Work Requirements

Work reporting requirements are grounded in racist stereotypes

According to [Elisa Minoff,](#) who wrote an amazing piece on the racism of work requirements, the U.S.'s racialized system of forced labor—slavery–-paved the way for work requirements by promulgating an exceptionally narrow definition of work and popularizing stereotypes of Black people to justify their forced labor for more than 200 years. Work requirements are premised on the very assumption that people do not want to work, and therefore should be coerced to work by public policy.

False race-based narratives have long surrounded people experiencing poverty, with direct harms to people of color. For decades [these narratives have played a role in discussions around public assistance](#) benefits–including SNAP–and have been employed to garner support from working-class white people. Below are a few examples of the relationship between poverty, racial bias, and access to basic needs programs.

- When the ["Mother's Pension" program](#) was first implemented in the early 1900s, it primarily served white women and allowed mothers to meet their basic needs without working outside of the home. Only when more African American women began to participate were work reporting requirements implemented.

- Between 1915 and 1970, [over 6 million African American people fled the South](#) in the hope of a better life. As more African Americans flowed north, northern states began to adopt some of the work reporting requirements already prevalent in assistance programs in the South.

- As civil rights struggles intensified, the [media's portrayal of poverty became increasingly racialized](#). In 1964, only 27 percent of the photos accompanying stories about poverty in three of the country's top weekly news magazines featured Black people; by 1967, 72 percent of photos accompanying stories about poverty featured Black people.

- Many of [Ronald Reagan's presidential campaign speech](#) anecdotes centered around a Black woman from Chicago who had defrauded the government. These speeches further embedded the idea of the Black "welfare queen" as a staple of dog whistle politics, suggesting that people of color are unwilling to work.

- "Ending welfare as we know it," through [The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA),](#) further cemented the framing of poverty as exclusively a consequence of individual choices and circumstances rather than structural conditions by relying on racial narratives about poverty for its popular support. Building on President Ronald Reagan's "welfare queen" myth, policymakers in the 1990s drew associations in the popular imagination between welfare and black criminality, laziness, and irresponsibility. The strategic deployment of these stereotypes is affirmed by public opinion data.

- In 2018, prominent sociologists released a study looking at [racial attitudes on welfare](#). They noted that white opposition to public assistance programs has increased since 2008—the year that Barack Obama was elected. The researchers also found that showing white Americans data suggesting that white privilege is diminishing led them to express more opposition to spending on programs like SNAP. They concluded that the "relationship between racial resentment and welfare opposition remains robust."

According to [The Racist Roots of Work Requirements](#), "The painful irony is that Black people have worked more than any other group in American history. As the historian Steven Hahn has written, 'African Americans were more consistently a part of the nation's working class, over a more extended period of time, than any other

social, ethnic, or racial group.' Despite these realities, over the long course of American history, Black people's work ethic has been called into question more than any single other group, and it has been done to promote policies and institutions that coerce a particular form of labor—labor that perpetuates the economic and political power, and inflates the social standing, of white people. It has been done, in other words, to bolster white supremacy."

Employment Discrimination Limits Access to the Workforce for Many Immigrants and People of Color

Studies show that [racial discrimination remains a key force in the labor market](#). In a 2004 study, researchers randomly assigned names and quality to resumes and sent them to over 1,300 employment advertisements. Their results revealed significant differences in the number of callbacks each resume received based on whether the name sounded stereotypically white or Black. More recent research indicates that this racial bias persists. A study from 2013 submitted fake resumes of nonexistent recent college graduates through online job applications for positions based in Atlanta, Baltimore, Portland, Oregon, Los Angeles, Boston, and Minneapolis. Black people were [16% less likely](#) to get called in for an interview. Similarly, a [2017 meta-analysis of field experiments on employment discrimination since 1989](#) found that white Americans applying for jobs receive on average 36% more callbacks than Black people and 24% more callbacks than Latinx people.

Latinx and Black Workers Have Been Hardest Hit by the Structural Shift Toward Involuntary Part-Time Work

Despite wanting to work more, many low-wage workers struggle to receive enough hours from their employer to make ends meet. A report from the Economic Policy Institute found that 6.1 million workers were involuntary part-time; they preferred to work full-time but were only offered part-time hours. According to the report, ["involuntary part-time work is increasing almost five times faster than part-time work and about 18 times faster than all work."](#) Latinx and Black workers are much more likely to be involuntarily part-time (6.8 percent and 6.3 percent, respectively) than whites, of whom just 3.7 percent work part time involuntarily. And Black people and Latinx people are a higher proportion of involuntary part-time workers, together representing 41.1 percent of all involuntary part-time workers. [Historical racial bias and work conditions](#), in which hours are variable and can be reduced without notice, disparately impacts Black and Latinx people and increases their likelihood of experiencing involuntary part-time employment.

People of Color Are More Likely to Live in Neighborhoods with Poor Access to Jobs

In recent years, neighborhoods with a majority people of color have experienced particularly pronounced declines in job proximity. [Proximity to jobs](#) can affect the employment outcomes of residents and studies show that people who live closer to jobs are more likely to work. They also [face shorter job searches](#) and fewer spells of joblessness. As residents from households with low-incomes and communities of color shifted toward suburbs in the 2000s, their proximity to jobs decreased. Between 2000 and 2012, the [number of jobs](#) near the typical Latinx and Black resident in major metropolitan areas declined much more steeply than for white residents. Public transit is also unequally available and often does not support suburb-to-suburb commutes.

However, this type of variation within a metropolitan area is less likely to be recognized in states' choices of where to impose mandatory SNAP E&T requirements or to waive ABAWD time limits compared to rural counties. For example, in 2014, Ohio legal services organizations filed an administrative complaint noting the adverse and disproportionate impact on people of color of Ohio's choice to only request a waiver of the ABAWD rules in 16 of Ohio's 88 counties. The time limit was waived in rural (Appalachian) counties with predominantly white populations while kept in place in urban counties with large Black populations.

Due to Overcriminalization of Neighborhoods of Color, People of Color Are More Likely to Have Previous Histories

of Incarceration, Which in Turn Limits Their Job Opportunities

People of color, particularly Black and Latinx people, are [unfairly targeted by the police](#) and face harsher prison sentences than their white counterparts. [National data show](#) that Black and Latinx people are three times more likely to be searched than whites and [people of color are significantly overrepresented in the U.S. prison population](#), making up more than 60 percent of people behind bars. After release, formerly incarcerated individuals fare poorly in the labor market, with most finding it difficult to secure a job after release. Research shows that roughly [half of people formerly incarcerated](#) are still unemployed one year after release. For those who do find work, it's common to have annual earnings of less than $500–meaning they were employed for a very short period of time before their record was discovered or had to turn to the informal job market. Further, during the time spent in prison, many [lose work skills](#) and are given little opportunity to gain useful work experience. 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 formerly incarcerated persons from successfully [re-entering the job market](#) and are compounded by criminal background checks, which further limits their access to employment. A recent survey found that [96% of employers conduct background checks](#) on job applicants that include a criminal history search.

People of Color May Be Less Likely to Receive Exemptions Based on Health Conditions

Research suggests that people of color, in particular Black people, may be negatively impacted by racial bias in pain assessment and treatment recommendations, which would affect their ability to receive exemptions based on health conditions. One study found individuals with at least some medical training hold [false beliefs about race that inform medical judgements](#), which may contribute to racial disparities in pain assessment and inadequate treatment recommendations for Black patients' pain. Further, the Government Accountability Office (GAO) found in the early-1990s that Black people with serious ailments were much more likely than white people to be [rejected for benefits under Social Security disability programs](#). While this particular analysis has not been repeated recently, there remains widespread evidence of disparities in medical treatment. These findings suggest that people of color may be less likely to receive exemptions based on health conditions, potentially subjecting more people to time limit rules than would otherwise be the case.

The Narrative around Fraud and Program Integrity Is Part of a Long History of Racially Motivated Critiques of Programs Supporting Basic Needs

Our current understanding of "program integrity" leads to the overpolicing of Black, Brown, and immigrant recipients

People experiencing poverty, particularly people of color, have routinely been profiled and policed, leading to higher rates of arrests and fines due to minor offenses. Overpolicing and criminalization of people experiencing poverty and hunger also shows up in public benefit programs. Based on the overarching emphasis made on fraud and "program integrity," state agency workers are more trained to recognize the possibility of fraud than they are on trauma-informed care and proper resource referral. This is a cultural phenomenon that permeates state agencies across the country—resulting in caseworkers fear that failing to detect fraud will lead to them losing their jobs. Therefore, when a person comes in to apply or recertify for SNAP benefits, they are more likely to be referred for some type of perceived fraudulent behavior than they are to the proper resources they may need for housing resources, immediate food, domestic violence assistance, SNAP Employment and Training, and more.

As much as legislators—conservative and liberal—try to crack down on fraud as their flagship policies to ensuring fairness and ethical use of funds, there is nothing fair or ethical about blaming systemic shortcomings on individual people. The reality is that people need adequate housing, food, healthcare, and livable wages to live, thrive and survive. Placing the blame on fraud is obviously a scapegoat to addressing the real historic and systemic issues. Despite previous fear, it is imperative that government officials speak directly about and combat stereotypes related to fraud, program integrity, racist tropes, faulty policies and more. It is unacceptable the people are overpoliced, surveilled, their privacy invaded, discriminated against, and not listened to, all based on their need for food.

The survival of SNAP and other programs does depend on taking program integrity seriously, but in a way that does not abandon the search for people genuinely abusing the program to instead coerce disqualifications out of large numbers of people based on tenuous, racially motivated, and deeply ambiguous facts. Instead, the more evolved definition of program integrity should include restitution and repair for racist, historic, and systemic issues that have perpetuated overpolicing, discrimination, fear, disenrollment, and innocent people receiving Intentional Program Violations (IPVs). Once the focus is repair and restitution, then the systems to identify people who are actually committing fraud should be adjusted accordingly to reflect trust, equity, fairness, and justice.

Intentional Program Violations (IPVs) are weaponized against people of color

An Intentional Program Violation (IPV) is any of the following actions:

1. Making a false or misleading statement to the local agency, either orally or in writing, to get SNAP benefits to which the household is not entitled. Even if the household's SNAP application is denied, the household can be found guilty.
2. Hiding information or not telling all the facts in order to get SNAP benefits to which the household is not entitled.
3. Using SNAP benefits to buy non-food items such as alcohol, tobacco, or paper products.
4. Using or having SNAP benefits the household is not supposed to have.
5. Trading or selling SNAP benefits or access devices.

Although the number of convicted instances of fraud are low, everyone who receives public benefits is clouded by fear. SNAP recipients have reported overpolicing, privacy invasions, and other mistreatment, and even collusion between caseworkers and fraud agents—all in the name of "program integrity." "For example, a woman receiving SNAP in KY was jarred awake by armed fraud agents knocking at her door. Without disclosing their identities, the agents threatened to take her children if she did not cooperate and allow them to enter her home. Later, the woman found out that the armed men were fraud agents from the state's Social Services Department who were searching for evidence of a man in her home." There have been other reports of agents looking for extra toothbrushes in the bathroom as evidence that a man lives in the home. It is completely unacceptable for people to experience that type of privacy invasion and overpolicing due to their need for food assistance. In some cases, it appears that eligibility workers refer people for fraud investigations based on their own personal biases or because an applicant was not sufficiently deferential to them.

Another form of overpolicing that invokes fear in people receiving SNAP benefits are store raids and backend tracing where SNAP recipient's purchases are used as evidence of IPVs. To target and catch stores suspected of fraud, the Compliance Branch of Food and Nutrition Service (FNS) or the Inspector General of United Stated Department of Agriculture usually send undercover agents into a store and attempt to sell SNAP benefits for cash; if they succeed, they then disqualify the store. The state agency may then seek to disqualify recipients

that shopped at the store, based on EBT transaction records and so-called error-prone transaction profiles. These profiles often look very similar to other people's transactions; at most, some of them show that the store operates informally—not rigidly enforcing its closing time or rounding purchases down to the nearest whole dollar.

Disqualifications for trafficking depend heavily on subjectivity, on several levels. First, the Compliance Branch of the IG make highly subjective choices about which stores to try to tempt with undercover agents. One of their criteria for suspecting a recipient is that they did not go to a cheaper large supermarket. However, this does not consider the fact that immigrant communities and other communities of color shop where they see familiar faces who may speak their language and sell their native foods. For example, if a Jamaican American man receives SNAP for his family and decides to do his grocery shopping at a corner store that sells food, spices, and snacks from his home country, he will most likely be under surveillance because large or even dollar purchase amounts at corner stores alert agencies to possible fraudulent activities. These alerts fail to recognize the fact that most communities of color rely heavily on corner stores, delis, or "Mom and Pop" stores because they disproportionately live in food deserts.

Fraud hotlines enable people who harbor racist beliefs of SNAP and other benefits recipients

Fraud hotlines. All states have SNAP fraud hotlines that people can call to report suspected fraud. But the public's perception of what constitutes fraud is often different than the legal definition and can be deeply biased. In practice, most reports to these lines are of purchases of foods considered "luxury," or of the use of SNAP benefits by someone who is well-dressed or driving a nice car. There are no stipulations on the type of unprepared food, clothing, or car that one can purchase to receive food assistance. The SNAP fraud hotline enables people who harbor anti-Black beliefs of the deserving v. the undeserving poor to overpolice SNAP recipients. No third party can discern whether fraud has occurred without first interviewing the recipient, eligibility worker, or an attorney.

Customer Service Barriers

Marginalized communities often avoid using federal agencies as there is a lack of meaningful human interactions and relationship-building, which can be created through intentionally fostering partnerships between agency staff and the communities they serve. Another major barrier to interacting with agencies is the typical 9:00AM to 5:00PM timeframe of input sessions. When seeking input, agencies should accommodate the work schedule of community members as these individuals typically work multiple jobs or inflexible hours to make ends meet.

Community members also limit their interactions with federal agencies and programs to avoid further stigmatization. Racist stereotypes about poverty can lead to unfair treatment from eligibility workers and others who work closely with people with low incomes, which compounds feelings of shame and stigma among people who seek out public benefits. Stigma is an oppressive barrier to accessing SNAP and other public benefits. As Johnnie Tillmon noted in 1972, "We've been trained to believe that the only reason people are on welfare is because there's something wrong with their character." The unfair and harmful treatment of public benefits recipients—compiled with a heavy focus by agencies on fraud—whether actually guilty or not—causes a chilling effect that perpetuates mistrust of government and public programs.

Immigrant Eligibility and Access

In addition to creating the time limit on SNAP benefits, PRWORA restricted most lawfully present immigrants from receiving SNAP benefits. This policy has subsequently been modified to allow children to receive SNAP

benefits, and for adults to participate after they have been in the U.S. for at least 5 years, but even eligible immigrants and their families are less likely to access SNAP. Low-income immigrants and their children are predominantly of color.

The Trump administration's 2019 public charge rule created fear and confusion that deterred SNAP-eligible immigrants and their family members from participating in this critical nutrition program. SNAP participation among U.S. citizen children living with one or more non-citizens fell by an astonishing 35.6%when compared to 12.3% for U.S. citizen children living in citizen-only households between fiscal years 2016 and 2019. Similarly, New York City analyzed SNAP program data and found that from January 2018 to January 2019, the SNAP caseload for non-citizens fell by more than three times the caseload for citizens (the caseload dropped 10.9% for non-citizens and 2.8% for citizens). From January 2017 to 2018, the SNAP caseload for noncitizens dropped by nearly double that of citizens (the caseload dropped 6.2% for non-citizens and 3.2% for citizens). Even though SNAP was the only nutrition program included in the 2019 public charge rule, the damage was done. The rule sowed fear and confusion and chilled participation in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) and other nutrition programs.

We encourage USDA to:

- Issue additional guidance that states in plain language that neither SNAP nor any other nutrition program are taken into account for a public charge determination and encourage states to share the new guidance broadly;

- Highlight long-standing USDA-FNS guidance regarding access to SNAP benefits for members of mixed immigration status families and emphasize that agencies are not permitted to require social security numbers of non-applicants applying on behalf of family members;

- Highlight and enforce long-standing USDA-FNS policies on language access.

- Encourage state agencies that administer SNAP, WIC, and other nutrition programs to conduct outreach to immigrants and their family members in partnership with anti-hunger stakeholders and community-based organizations that are trusted partners in serving immigrant communities;

- Provide funding for trusted community outreach partners to carry these messages to key audiences; and

- Create an easy-to-find, "one-stop-shop" webpage on the USDA-FNS website to post guidance, resources, and messaging to support immigrant families' access to SNAP, WIC, P-EBT, and other nutrition programs.

The Thrifty Food Plan

Again, adequate access to food is economic justice. But too many people with low incomes are forced to stretch their SNAP benefits because they're not enough to cover the cost of food. In 2020, the SNAP benefit per person per meal was only $1.39, not enough to pay for a gallon of milk or a loaf of bread.

The SNAP benefit is determined by the grossly outdated and inadequate Thrifty Food Plan (TFP). This 46-year-old plan doesn't reflect the current economy, cost of living, cost of food, the time it takes to cook it, diverse dietary needs, adequate transportation, or food apartheid where access to healthy and affordable food is limited. In the words of Black nutritionists, Dr. Kéra Nyemb-Diop, "it is time to decolonize our plates and make space for diverse dietary needs." Eurocentric foods are the standard but are not necessarily healthier than the cultural foods of communities of color. The Thrifty Food Plan should take this fact into consideration when estimating food costs.

All these factors disproportionately affect people of color because of discrimination, low wages, and distinct cultural foods that are not considered in nutritional standards. It's time to reevaluate the TFP and increase SNAP benefits as a critical step forward in the journey toward equity and anti-racism. To achieve the overall goal of food sovereignty—the right of all people to have a say in how their food is grown and the right to fresh, affordable, and culturally appropriate food—we must partner with organizers and community members to create a viable plan to end food apartheid, and address stigma and horrible treatment when folks apply or receive public benefits.

Puerto Rico

Although Puerto Ricans are U.S. citizens, Puerto Rico is a territory, rather than a state, and its residents have less access to core income and work support programs than people in states or Washington D.C. Both [nutritional assistance](#) and medical programs are capped, so they cannot respond to increased need the way SNAP and Medicaid do in states. Nutrition Assistance Program (NAP) is Puerto Rico's food assistance program, an alternative to SNAP. [NAP](#) is funded through a capped block grant, although a feasibility study showed that a traditional SNAP program would provide a greater monthly food allotment to a wider net of eligible households. Also, NAP is not able to run a disaster SNAP program that provides short-term additional benefits to people affected by disasters. The lack of access to D-SNAP and other disaster measures that are provided through the SNAP program, were extremely detrimental for Puerto Rico when they had a major hurricane that caused severe damage that the territory is still recovering from. It is imperative that the USDA reevaluates the food assistance that is currently being given to Puerto Rico and allow them to finally participate in the SNAP program.

Rural Housing Programs

Too often, national nonprofits, policymakers, and the media reduce rural America to the low-income, white backcountry. Yet 14 percent of all Black people, 54 percent of all Indigenous people, and 12 percent of all people identified as Hispanic on the census live in the rural United States. Therefore, we can utilize the housing programs and agencies designed to meet the unique needs of rural areas as tools to deliver reparations to Black and Indigenous people.

For example, Congress first authorized the Rural Community Development Initiative (RCDI) in 1999 to "develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and federally recognized Native American Tribes to undertake projects related to housing, community facilities, or community and economic development in rural areas." The USDA chooses to prioritize certain project goals each funding cycle, with this year's priority being all projects that aim to reduce morbidity or deaths caused by substance abuse disorder in rural communities with high rates of drug use. For any given program, the USDA should prioritize housing quality issues that disproportionately harm Black, Indigenous, and immigrant people in rural areas. These priority projects could range from seeking to improve access to healthy sewage systems to minimizing utility rates. Landfills, hazardous waste sites, and other polluting facilities are also more frequently built/located in communities of color, depressing property values and introducing health issues for the people living nearby.

During the application process, all potential grantees of housing or land use programs administered by USDA should be required to describe how the projects they've proposed would address racial inequities in the communities they serve, or at the very least be explicitly rewarded for doing so (applications are awarded points under RCDI). Furthermore, grantees should be incentivized to partner with people who would be directly impacted by the project from the initial stages of project design to implementation to evaluation. These

partnerships can be facilitated by increasing the number of grants awarded to community-based organizations (CBOs) that have cultivated trust in the community. (See Comment ID OMB-2021-0005-0456 for more of CLASP's thoughts on Community and Stakeholder Engagement and Financial Assistance).

General Question 5. *How can USDA establish and maintain connections to a wider and more diverse set of stakeholders representing underserved communities?*

As an organization, CLASP believes in taking a multi-disciplinary, cross-systems approach to eradicating barriers to access and imagining new policies, investments, and ways of thinking that center people with lived experience of benefits programs. We understand from our experiences in working with state and local leaders, activists with lived experiences, youth, young adults, and young parents that community engagement and racial equity are critical to any effort that seeks to advance the socio-economic mobility of individuals and families with low incomes.

The suggestions below are drawn from specific CLASP partnerships with community voice in policy and program design. The three examples are:

- The Community Partnership Group (CPG), a diverse collective of activists from across the United States who partner with nonprofits to ensure that their work is grounded in the wisdom and experiences of people directly impacted by anti-poverty policies (ex. SNAP). Each member of the CPG has developed their expertise through direct experience with public benefits programs—whether it be participation or discriminatory exclusion—and ongoing advocacy to eliminate poverty within their communities. The CPG was convened by CLASP staff and independent consultants in the field who aimed to dismantle the transactional and often traumatizing relationship between anti-poverty nonprofits and people with lived experiences of poverty. Staff and a consultant with lived expertise organically met CPG members at convenings, conferences and meetings and, over a six-month period, built intentional individual relationships with the members; eventually, the group convened together to build collective power and trust.

- The Young Adult Engagement Strategy (YAES), built over the past three years as a way for CLASP to partner on an ongoing basis with youth and young adults. Through YAES, we have strengthened partnerships with and among young adult community stakeholders and youth-led organizations, which has helped CLASP develop a regular practice of incorporating young people in the development and implementation of our policy work. We have done this through partnership with youth development organizations and other partners, including young people in policy analysis and technical assistance, and through years of building trust and mentoring young people through workshops and co-creating materials.

- The New Deal for Youth, which builds on the YAES and is a call to leaders in the public and private sectors to support youth-led policy solutions that address the glaring economic and social injustices facing young people today. It is a partnership of a cohort of 39 young adult Changemakers and CLASP. Through this, the Changemakers created a list of transformational and holistic policy demands to address the urgent challenges young people are facing due to COVID-19, the economic downtown, and structural racism. These demands seed a long-term vision for how our nation can and must support all young people, grounded in policy proposals and community solutions that can drive action toward healing and well-being, safe communities, and economic, climate, immigrant, and racial justice.

Community and Stakeholder Engagement

For an agency to meaningfully engage with the individuals and communities that are most impacted—and have historically been traumatized by—benefits programs, policies, rules, processes, and operations, administrators must first acknowledge and research the racist history of these federal policies and their local implementation. Agency officials should engage in training to better understand the impact of systemic racism, implicit bias, and white supremacy to better understand current programs and regulations, as well as their origins. There should also be trainings to better understand the value and importance people with lived experience bring to conversations about policy and systems change. Only then can agencies begin to build trust within communities that have been historically excluded and/or discriminated against.

Community-based organizations, which often catalogue local histories and experiences and have earned community trust, can be strong partners in opening lines of dialogue between agencies and the people directly (or ideally) impacted by the policies they administer. It is critical that agencies seek out partnerships with organizations that are led by Black, Indigenous, Latinx, AA&NHPI, LGBTQ+, and immigrants, which have supported communities when the federal government and administering agencies have failed to do so, as well as provide adequate passthrough funding. These partnerships should be conducted with humility (rather than transactionally, as if communities owe the governments something), to successfully build trust and create dialogue.

Once the relationship between administering agencies and community members has been built, agencies can formalize this process by investing in sustained stakeholder engagement throughout the entire program's lifecycle, from designing the program, to implementation, to evaluation. For community engagement practices to be properly designed and implemented, agencies should ask for consistent input from communities at every level of decision-making. It's important to not just use the stories of benefit recipients or view them as datasets, but also accept their input on the decisions that will affect their lives. When building trust with communities, consistent engagement is critical.

Often, agencies are seeing individuals at a pivotal point in their lives when they need assistance. This may make individuals who had traumatizing experiences with administering agencies apprehensive to engage due to fear, rejection, stigma, and the possibility of being re-traumatized. Often individuals who are marginalized are not treated with respect from agencies that are supposed to serve them. Some have been met with poor customer service, dehumanizing treatment, biased opinions, and/or a cold, sterile environment. Fostering a welcoming and unbiased environment is critical in these conversations and can be cultivated through trust-building exercises and partnering as equal contributors to the work. While providing services, agencies should begin to think more innovatively as to how they share information on resources within the community outside of the agency. For example, there could be a running document that all agency workers have access to that list all community-based organizations and nonprofits that provide assistance throughout that area, as well as a referral process for each organization.

Improvements in the actual delivery of benefits also build trust. While we will address benefits delivery more comprehensively in our answer to question 7, our partners in the CPG, a group of activists with lived experience with SNAP and other benefits programs, identify the need for investments in wraparound services (e.g., transportation, translation), especially in areas where mass transit does not exist, like rural areas. Other ways that agencies can strive to improve benefits delivery and strengthen relationships with community members according to the CPG include:

- Seeking to be more collaborative with one another to make services more accessible. Ideally, applying

for SNAP, Medicaid, WIC, and housing-related benefits would occur simultaneously with automatic eligibility for other programs if eligibility for one is confirmed.

- Taking customer complaints seriously by discussing them internally and strategizing ways that the agency can proactively address those complaints.
- Revolutionizing technology on how states collect verifications and documentation.
- Reducing call center wait times.
- Making interviews more person-centered and weave them all together if possible.
- Adequately funding case management and expecting workers to provide as wrap-around, person-centered service.
- Consistently providing clarity and information about, as well as proper referrals to, other services provided in the community outside of the agency.

Tools and Best Practices

For administering agencies to be equitable and non-transactional, administrators must co-create advisory boards, task forces, and commissions alongside community members from inception to implementation and beyond. Strategies for incorporating community input and participation from the beginning of a project include:

- Non-restrictive requirements related to who can participate and transparency about process, including the expected time commitment and compensation.
- Ensure equitable access by assessing the technology and resources that leaders may have, and filling in the gaps where necessary
- Consultations with community members who specialize in engagement with people with lived expertise to build out the engagement model.
- Relationship building time to get to know one another using ice breakers or other tools
- Flexibility when plans change based on the guidance of community members

Community leaders are effective in assembling or advertising to potential advisory boards, task forces, and commission members who are dedicated to solving a particular issue in the community. However, agencies must still reach out to and actively accommodate people who work inflexible hours or care for loved ones full-time when scheduling meetings or events. Even making the boards, task forces, and commissions virtual instead of in person to help with timing and childcare issues would be more beneficial. For example, the CPG meets virtually twice a month, once in the evening from 5-7 PM and also from 11AM-1PM to accommodate the group's collective schedule. We determined the meeting time using Doodle polls and a shared Google calendar.

Rural Outreach

The global pandemic underscored the need for agency officials to connect directly with underserved communities. Rural communities—many of which are populated by Black, Indigenous, and immigrant people—are often forgotten communities in America as they are more reclusive and distrustful of the federal government. This feeling of forgottenness stems from experiences being interacted with transactionally when there is a socioeconomic need for the state or federal government to intervene, rather than building transformational, caring relationships. The first step to engaging these more isolated communities is to figure

out how to get agencies and policymakers directly in those communities to build transformational relationships that enable rural community members to feel supported and heard, thereby beginning to repair their trust.

General Question 7. *Does USDA currently collect information, use forms, or require documentation that impede access to USDA programs or are not effective to achieve program objectives? If so, what are they and how can USDA revise them to reduce confusion or frustration, and increase equity in access to USDA programs?*

Systemic racism in the United States has created inequities in access to education, health care, job opportunities, housing, and transportation. As a result, Black, Latinx and other communities of color are more likely to work in jobs with low-wages (especially women) and minimal (if any) health benefits, leaving communities of color more likely to be eligible for public benefit programs.

Workers earning low wages face significant barriers to public benefits, in large part due to the nature of low wage work. Workers in low wage jobs often work unpredictable and varying hours and want to work more hours than they are scheduled for. Hispanic and Black working parents are more likely than white working parents to live below 200 percent of the poverty level. Women, especially women of color, are overrepresented among the lowest paid workers.

In addition to Black and Hispanic workers facing more barriers due to the characteristics of low-wage work, other communities that face barriers include:

- Immigrants. Immigrants must navigate a confusing web of eligibility criteria for benefit programs, which is problematic by itself. Additionally, immigrants face significant other barriers, such as fear created by public rhetoric and previous policy actions to limit access to benefits ("chilling effect" caused by the public charge), inability to access applications and other forms in their preferred language, and inability to access translators during the application process.
- People with housing instability. This population often has difficulty receiving mailed information from state agencies. People are often disenrolled from programs for not responding to a mailed request for information, even though they are likely still eligible. For example, in Arkansas if mail is returned to the state as undeliverable and the state has not received a notification of an address change, the enrollee is disenrolled from coverage.
- People with limited English proficiency. Notices and other information sent by agencies are often confusing, and often even more so for people who speak a language other than English.
- People with limited or no access to broadband internet. The ability to learn about and apply for benefits through the internet is crucial to program access (even more so during the COVID-19 pandemic). More than one in six people in poverty had no internet access, and AIAN, Black and Latinx populations below poverty had less access to internet than white or Asian poverty communities in 2019.
- People who are disabled but without a formal diagnosis. Many people who are disabled having difficulty navigating the benefit process due to limited cognitive function, difficulty traveling, or other effects of their disability. However, those without a formal diagnosis may not be able to access accommodations and therefore have more difficulty completing the application process.

Burdens associated with completing public benefit applications and staying enrolled fall almost exclusively on applicants and/or recipients, with the state and administering agencies facing few consequences when a large percentage of eligible people are not enrolled in programs. These administrative barriers to enrollment range from excessive documentation requirements to insisting recipients show up for in-person interviews. To

address these known burdens and barriers to benefits access, administering agencies must reduce the amount of labor asked of applicants/recipients and assume more responsibility for getting new people enrolled and keeping existing recipients covered. We know this is doable because CLASP has been working to reduce barriers to program access for many years, with lessons documented through the Work Support Strategies (WSS) project in six states.

Furthermore, the COVID-19 pandemic has demonstrated that programs can be much more flexible and adaptable than they have traditionally been. This [blog post](#) details how several states quickly made changes to their benefits administration that they had resisted for years when faced with a public health and economic crisis, such as putting up an online application for TANF and eliminating a requirement that SNAP applicants provide proof that their employment ended. Allowing some flexibilities provided during COVID to be made permanent and ensuring that states know about such flexibilities and are encouraged to use them will be an important step toward reducing barriers to care. Such flexibilities include a greater use of self-attestation, continuous enrollment, and extended certification periods.

Recommendations for Reducing Administrative Burden

In general, agencies should use information that has already been collected and verified by other administering agencies to determine eligibility rather than requiring applicants to resubmit that information. As much as possible, agencies should use eligibility for one program to deem people eligible under other programs with similar requirements.

Once determined eligible, enrollees should retain eligibility for extended periods by having short-term income fluctuations disregarded. Customers should be given the option of using simplified standardized deductions or of providing documentation of expenses that exceed the standard amount.

Additionally, agencies should ensure that applications are simplified to only request information mandated by law or federal guidance, written and designed clearly (including at an accessible reading level), mobile-friendly, and available online, by phone (including telephonic signature), in person, and in paper form. Extending certification periods is another important step to reducing barriers because doing so reduces the frequency of renewals, which is a time when many eligible people become disconnected from benefits.

Some burdens are amplified due to the different eligibility and verification requirements across programs. Federal agencies could reduce burdens by coordinating to eliminate barriers across programs. Examples of coordination across federal agencies include:

- Granting waivers to allow states to align eligibility and verification requirements across programs to the extent possible;
- Partner across agencies when issuing clarifying guidance;
- Partner across agencies when simplifying applications;
- Jointly issue outreach and enrollment assistance dollars for community-based organizations to provide assistance across multiple programs; and
- Waive cost allocation requirements for federal outreach and enrollment assistance grants. Allowing grantees to help people apply for multiple benefits without needing to spend additional time at separate agencies will improve program uptake. Such a waiver would be particularly helpful for smaller community-based organizations that have less administrative capacity to track cost allocation but that have strong local connections.

During the Work Support Strategies project, CLASP worked closely with six states to improve benefit delivery by reducing barriers. Significant strides were made by the states to improve same day service, improve timeliness, reduce churn, and coordinate across programs. For a full report of the findings and strategies, see the multiple evaluations of the project; below is a list of key findings:

- Improvements in same day service and overall timeliness were achieved through multiple approaches. States redesigned their business processes to increase efficiency, changed office culture to emphasize timeliness and customer service, made policy changes, such as removing unnecessary verification requirements, and expanded their use of technology (e.g, electronic verification of client information).

- To reduce churn, states used prepopulated renewal forms, leveraged existing data available electronically, lengthened certification periods, and changed their business processes.

- Another example is from Massachusetts, where multiple policy and system changes by the state increased SNAP usage among older adults by 26 percent between June 2016 and April 2020. These changes included implementing a simplified application for seniors with a longer certification period and waiving the SNAP recertification interview. The state also created a unit of caseworkers specifically for seniors and analyzed data to pinpoint when seniors were losing SNAP or not using their benefits.

- Lastly, a case study from New Mexico demonstrates concrete ways to improve benefit access for immigrants. Their best practices included improving accuracy in automated eligibility systems, improving the eligibility verification process, protecting confidentiality, and improving case worker training and eligibility tools.

General Question 8. *Is there information you believe USDA currently collects that it does not need to achieve statutory or regulatory objectives?*

Several requirements or processes have been shown to reduce access to public benefits and/or increase churn. These include:

- Shortened eligibility periods. Evidence has shown that shortened eligibility periods—and therefore the need for participants to complete renewal paperwork more frequently—leads to higher rates of disenrollment. In 2003, Washington state began requiring children enrolled in Medicaid renew their coverage every six months rather than every 12 months. As a result, the number of children enrolled decreased by 30,000 over two years. When 12-month eligibility was reinstated, children's enrollment increased by 30,000 within a year. Another study showed a decrease of gaps in insurance coverage when 12-month continuous eligibility was in place. Lengthening eligibility periods for populations with steady income, such as seniors, has led to decreased churn in SNAP. Furthermore, the SNAP Elderly Simplified Application Project (ESAP) should be nationalized.

- In Person Interviews. Requiring someone to appear in-person as part of the application or renewal process is burdensome, particularly for people with inflexible jobs, limited access to child care or transportation, or disabilities. In person interview requirements lead to a decrease in participation among eligible participants

- Data/Wage Checks. Several states check electronic data sources at certain points during the Medicaid determination period. If data is found that indicates someone may not be eligible, the state sends a request for information by mail. There are several reasons a data check may give the appearance of ineligibility: an extra shift picked up in one pay period, a corporate employer name that is different from the storefront name, or simply a data error. Enrollees typically have just ten days to respond to such requests before being disenrolled, and this period is often shortened or even completely consumed by

mail delays. These policies have led to significant losses of coverage. In Texas, the number of children who experienced a gap in coverage more than doubled after a wage check policy was put into place, and in Louisiana nearly 51,000 adults were disenrolled. Importantly, Louisiana stated that most people lost coverage due to not responding to the request for additional information, not because of any proof of being ineligible.

- Requiring documentation of all medical expenses. Seniors and individuals with disabilities may claim unreimbursed medical expenses (including transportation costs) of over $35 a month as deductions from their income in calculating SNAP benefits, but only a small fraction of such households actually receive this deduction. Some states have received waivers to implement standard medical deduction demonstration projects, under which they deduct a standard amount (representing the average medical expenses for senior or disabled SNAP households) from all eligible households that demonstrate medical expenses of at least $35 a month. A standard medical deduction can benefit both participants and state agencies, as it simplifies the process for both parties, Additionally, the Work Support Strategies project demonstrated that taking steps to provide determinations sooner and deliver benefits in a more timely manner was not correlated with an increase in error rates.

Thank you for the opportunity to submit comments. Feel free to contact Parker Giklesson at pgilkesson@clasp.org if you have any questions or need any further information.