



January 30, 2017

Sasha Gersten-Paal, Branch Chief
Certification Policy Branch
Program Development Division
Food and Nutrition Service
3101 Park Center Drive
Alexandria, Virginia 22302

RE: Proposed Rule: Supplemental Nutrition Assistance Program: Student Eligibility, Convicted Felons, Lottery and Gambling, and State Verification Provisions of Agricultural Act (RIN: 0584-AE41)

Dear Ms. Gersten-Paal,

Thank you for the opportunity to comment on the proposed rules to implement provisions of the Agricultural Act of 2014. The Center for Law and Social Policy (CLASP) advocates for public policies and programs at the federal, state, and local levels that reduce poverty, help low-income people become economically self-sufficient, and create ladders to opportunity for all. SNAP is a critical nutrition program that supports over 44 million individuals and is a key component of the safety net, helping millions of households maintain food security each year.

Section 4007: Student Eligibility Disqualifications

We support the additional language proposed for inclusion in 273.5(b)(11)(ii) and 273.7(e)(1)(vi) to the implement language in the Agricultural Act clarifying that students enrolled in a career or technical education course or program, or enrolled in remedial education, basic adult education, literacy, or ESL at an institution of higher education are exempt from the student restrictions and therefore eligible to receive SNAP. In regards to situations where a course of study is designed as a four year program but where some students may happen to take longer than four years to complete, we support FNS's proposal that students remain eligible throughout their studies regardless of the number of years.

In response to FNS's request for feedback on the proposal to allow states agencies to define courses or programs that meet the definition of career and technical education in the Carl D. Perkins Career and Technical Education Act of 2006 for SNAP, we support this state flexibility as long as definitions for SNAP meet basic definitions in statute. Students in SNAP should not be subject to a definition of career and technical education that is narrower than that of any other program, funding stream, or eligibility standard.

Section 4008: Eligibility Disqualifications for Certain Convicted Felons

We agree with FNS's interpretation of statute in regard to the new provisions to prohibit individuals convicted of certain sexual crimes, child abuse, and murder who are also not in compliance with the

terms of their sentence, or who are fleeing felons or parole or probation violators as described in the law, from receiving SNAP benefits. However, we urge FNS to encourage states to ensure that reporting and verification requirements for this eligibility component are not unduly burdensome on SNAP applicant or recipient households.

Section 4009: Lottery and Gambling Winners

We agree with FNS's proposed regulatory additions to reflect statutory language from the Agricultural Act of 2014. However, as with Section 4008, we urge FNS to encourage states to ensure that reporting requirements are not unduly burdensome on SNAP applicant or recipient households.

Section 4015: Mandating Certain Verification Systems

Updating SNAP regulations to reflect terminology and processes currently in use for verifying immigrant access is appropriate and FNS's proposals appear to accurately reflect statutory language in the Agricultural Act of 2014. Although we agree with the regulatory changes and additions proposed, we want to ensure that FNS is aware that the Systematic Alien Verification for Entitlements (SAVE) can be, like all data matching systems, incorrect and provide inaccurate data to state agencies. SAVE verifies that immigration information provided by an immigrant is accurate at that point in time. SAVE does not provide the only information available to determine if a non-citizen is lawfully present in the U.S.¹ If immigration status has recently changed, SAVE may not always be updated to reflect the current status. If a client provides paper documentation indicating the new status, states should use prudent judgement in determining the status of the applicant or household.

In addition, it is important for states not to burden households in which the applicant or other household members are not applying for assistance but rather applying on behalf of eligible household members. Applications and recertifications should not be delayed for SNAP-eligible individuals, even if they are residing with (or the children of) non-qualified aliens.

We appreciate the opportunity to comment on the proposed rules and welcome any questions you may have.

Sincerely,



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¹ "The Systematic Alien Verification for Entitlements (SAVE) Program: A Fact Sheet," *American Immigration Council*, December 15, 2011, <https://www.americanimmigrationcouncil.org/research/systematic-alien-verification-entitlements-save-program-fact-sheet>.