

Congress of the United States
Washington, DC 20515

May 11, 2016

Thomas J. Vilsack
Secretary of Agriculture
Department of Agriculture
Jamie L. Whitten Federal Building
1400 Independence Avenue, SW,
Room 200-A
Washington, DC 20250

Kevin W. Concannon
Under Secretary
Food, Nutrition and Consumer Services
Department of Agriculture
Jamie L. Whitten Building
1400 Independence Ave, SW, RM- 216-E
Washington, DC 20250

Dear Secretary Vilsack and Undersecretary Concannon:

As members of the Congressional Black Caucus, we write to express our concerns with the Food and Nutrition Service's ("FNS") recently proposed rule to change retailer eligibility requirements in the Supplemental Nutrition Assistance Program ("SNAP" or the "Program"). We believe the proposed rule would push small format retailers out of the SNAP Program and harm the more than 45 million needy Americans who depend on SNAP for nutrition.

Many of us represent urban and rural areas. Many of these areas are labeled "food deserts", given there are no large grocery store chains present. However; even in those areas with large supermarkets, those markets can be difficult to reach for many of our low-income constituents due to their locations, transportation options or limited hours of operation. Bodegas, convenience stores, drug stores and locally-owned corner stores are often the most accessible food providers for our constituents. If it were not for these businesses, many of our constituents, including those working shift hours, would not be able to buy the food they need when they need it or they may be forced to travel long distances, or through unsafe neighborhoods, to purchase SNAP eligible products.

In the Agriculture Act of 2014 (the "Farm Bill"), Congress balanced the desire for beneficiaries to have access to a greater variety of food with the important role that small neighborhood retailers play in the Program. We were happy with the balance Congress achieved.

Many of us were deeply troubled when we discovered that FNS substituted its own judgment for Congress' and proposed a rule that disrupts this balance. Indeed, it appears intended to dramatically reduce choices available to our constituents who rely on the SNAP program.

For example, FNS should not exclude stores from the Program simply because they have foods that are "cooked or heated on-site before or after purchase." These small businesses are fixtures in our communities. If they sell foods to non-SNAP customers that aren't eligible for SNAP that should have no bearing on their participation in SNAP. Looking at non-SNAP sales is illogical and counter-productive. If a store meets all other relevant requirements, it should not be penalized for also selling hot foods.

Likewise, FNS's proposal would change the definition of "staple foods" to exclude multiple ingredient items as well as foods that are "generally consumed between meals" from counting towards depth of stock requirements. These changes are not justified, in part because they fundamentally change the Congress intent in the Farm Bill.

We share FNS' desire to increase beneficiaries' access to a variety of nutritious foods and Congress provided the roadmap for doing that in the Farm Bill. The additional changes FNS has proposed that were not in the Bill do not account for the realities of life for our constituents and local businesses. Our constituents often juggle multiple jobs working inconsistent and irregular hours while trying to raise children. They often need to buy food quickly and at odd hours—and they often prepare meals that do not require long preparation times. In order to serve these constituents, there need to be more (and more diverse) stores in the Program, not less.

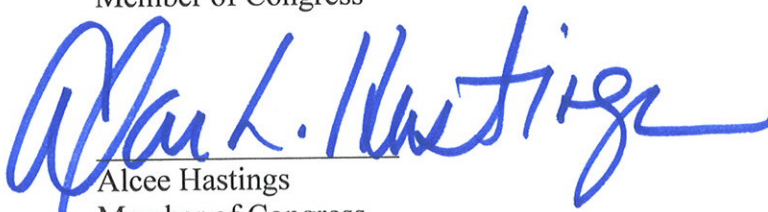
FNS' proposed rule contradicts the policy decisions made in the Farm Bill. It will push thousands of our neighborhood stores out of the Program and it will harm many of our constituents. For these reasons, we urge you to revoke the rule and propose a new rule that does not change the definitions of staple foods or penalize local businesses for also selling hot foods.

Sincerely,


Danny K. Davis
Member of Congress

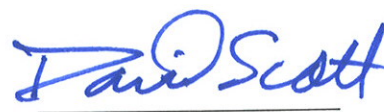

Cedric Richmond
Member of Congress

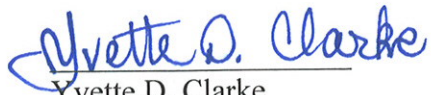

Stacey Plaskett
Member of Congress


Alcee Hastings
Member of Congress

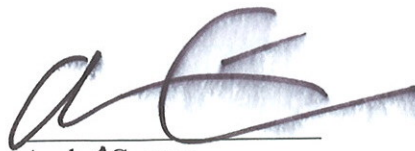

Wm. Lacy Clay
Member of Congress


Eleanor Holmes Norton
Member of Congress

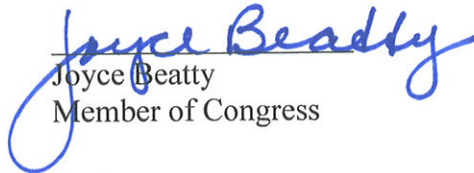

David Scott
Member of Congress



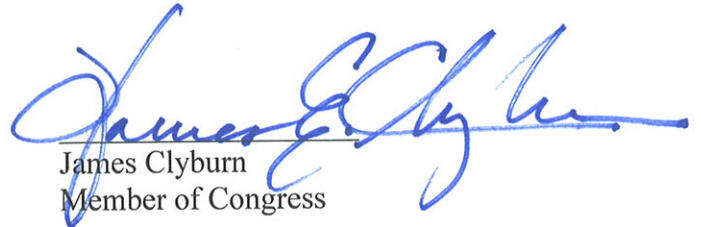
Yvette D. Clarke
Member of Congress



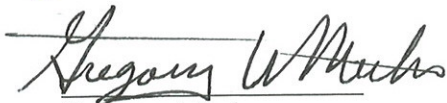
André Carson
Member of Congress



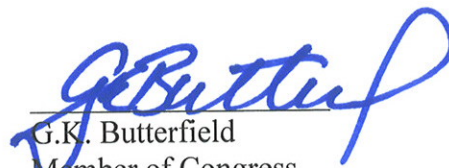
Joyce Beatty
Member of Congress



James Clyburn
Member of Congress



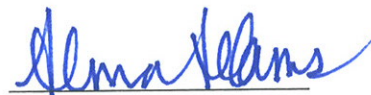
Gregory Meeks
Member of Congress



G.K. Butterfield
Member of Congress



Brenda Lawrence
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



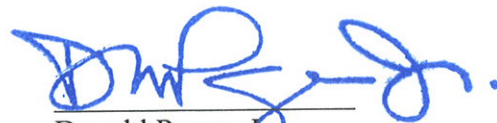
Mia Love
Member of Congress



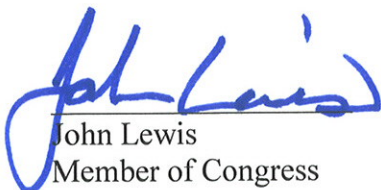
Marc A. Veasey
Member of Congress



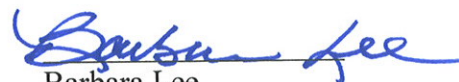
Maxine Waters
Member of Congress



Donald Payne, Jr.
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John Lewis
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Barbara Lee
Member of Congress



Hakeem Jeffries
Member of Congress



Karen Bass
Member of Congress