

# Congress of the United States

Washington, DC 20515

October 18, 2023

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

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, D.C. 20202

Dear Secretaries Vilsack and Cardona,

We write to express our concerns about the end of expanded Supplemental Nutrition Assistance Program (SNAP) eligibility for college students due to the expiration of the COVID-19 public health emergency.<sup>1</sup> Under the Consolidated Appropriation Act, 2021,<sup>2</sup> Congress temporarily waived requirements that prevented college students from qualifying for SNAP benefits, but as of July 1, 2023 those flexibilities are no longer available to students.<sup>3</sup>

We appreciate the United States Department of Agriculture's (USDA) guidance to facilitate a smooth transition back to regular eligibility rules, but we urge the Food and Nutrition Service (FNS), in consultation with the Department of Education (ED), to consider the following recommended clarifications of existing exemption authorities. We also request a briefing with USDA and ED about your efforts to minimize the harmful effects of reducing SNAP benefits on college students.

1. **Employment Exemption:** We urge FNS, in consultation with ED, to issue guidance clarifying that states can make determinations that eligible low-income higher education students qualify for a student exemption<sup>4</sup> and are eligible for SNAP without additional verification of other exemptions if they are enrolled in a community college or courses of study that are career-focused and are likely to lead to employment at other institutions of higher education.

States that have adopted this clarification have seen a streamlined process by reducing burdensome paperwork for eligible students to access SNAP, leading more eligible students to enroll in the program and freeing up resources of state SNAP agencies. Reducing paperwork and over verifications is in line with the Office of Management and Budget government – wide guidance to agencies on improving access to public benefits.<sup>5</sup> Too often, state SNAP agencies miss tracking and coding all possible exemptions under which students might qualify.<sup>6</sup> Clarifying states' determinations of the employment exemption qualifications will also help efficiently

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<sup>1</sup> PBS, "College students struggling with hunger face potential loss of food stamp benefits," Ashraf Khalil and Adriana Morga, July 19, 2023, <https://www.pbs.org/newshour/education/college-students-struggling-with-hunger-face-potential-loss-of-food-stamp-benefits>.

<sup>2</sup> U.S. Department of Agriculture, Food and Nutrition Service, "SNAP Student Provisions in the Consolidated Appropriations Act 2021 - Questions and Answers," February 2, 2021, <https://www.fns.usda.gov/snap/student-provisions-consolidated-appropriations-act-2021-qars>.

<sup>3</sup> The Consolidated Appropriations Act, 2021, Public Law 116–260; U.S. Department of Agriculture, Supplemental Nutrition Assistance Program (SNAP), <https://www.fns.usda.gov/snap/students>.

<sup>4</sup> 7 C.F.R. § 273.5(b)(11)(iv).

<sup>5</sup> The White House, "Tackling the Time Tax," July 2023, pp. 13-20, <https://www.whitehouse.gov/wp-content/uploads/2023/07/OIRA-2023-Burden-Reduction-Report.pdf>.

<sup>6</sup> U.S. Government Accountability Office, "Food Insecurity: Better Information Could Help Eligible College Students Access Federal Food Assistance Benefits," December 21, 2018, <https://www.gao.gov/products/gao-19-95>.

enroll many students who qualify under other exemptions, such as those with young children, working part-time, receiving work study, or with a disability.<sup>7</sup>

2. **“Unfitness” Exemption:** We strongly encourage FNS, in consultation with ED, to issue guidance to states to clarify that students with disabilities that affects the student's ability to both go to school full time and work 20 hours a week qualify for SNAP under this exemption.

From 2015 to 2016, according to the National Center for Education Statistics, 19 percent of undergraduate college students reported having a disability.<sup>8</sup> But state agencies may fail to consistently screen or assess students for this exemption, preventing many students with disabilities from accessing SNAP benefits. Proper implementation of this provision can promote success in school and college completion for these students.

Additionally, we urge FNS to issue guidance clarifying that students qualify for this exemption if they a) are enrolled in college through participation in a Vocational Rehabilitation Act program, b) are granted an accommodation through the college disability services office, or c) provide an attestation from their college office tasked with student success that they have a disability or impairment and are unlikely to succeed or graduate timely if required to both complete their studies and work 20 hours per week.<sup>9</sup>

3. **Student Work Study Exemption:** We strongly urge FNS, in consultation with ED, to issue guidance clarifying that any student who has been awarded work study and has not refused an available work study job meets the SNAP work study exemption.<sup>10</sup> State and national organizations have called on your agencies to take this action to ensure students “approved for work study at the time of application” and who “anticipate” working during the school year are eligible for SNAP benefits.<sup>11</sup> The Consolidated Appropriations Act, 2021 expanded the exemption to include students who are “eligible to participate” in federal work study (FWS), regardless of whether work study had been awarded or there were positions available.<sup>12</sup>

Although work study is commonly included in financial aid awards, it is not guaranteed. According to the Community College Research Center, “demand for FWS outstrips supply” and “[o]nly 16% of institutions award FWS to every eligible student. A low-income student at a private four-year institution has nearly a 50% chance of receiving FWS, compared to just a 5% chance for a low-income student at a community college.”<sup>13</sup> Students attending colleges that are unable to provide the anticipated work study should not be deprived of critical nutrition benefits.

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<sup>7</sup> For example, according to the Child Trends recent analysis of US Department of Education data, nearly half (47%) of young parenting students attending community colleges during the 2015-16 school year compared with 26% attending 4-year colleges successfully enrolled in SNAP. *Child Trends’ analysis of data from the U.S. Department of Education, National Center for Education Statistics, 2015-16 National Postsecondary Student Aid Study (NPSAS:16)* published January 11, 2021 <https://www.childtrends.org/publications/higher-education-support-parenting-students-and-their-children-with-accessible-equitable-services>

<sup>8</sup> National Center for Education Statistics, “Fast Facts,” <https://nces.ed.gov/fastfacts/display.asp?id=60>.

<sup>9</sup> 7 C.F.R. § 273.5 (b)(2); U.S. Department of Education, Rehabilitation Services Administration, “State Vocational Rehabilitation Services Program,” <https://rsa.ed.gov/about/programs/vocational-rehabilitation-state-grants>; U.S. Department of Education, “Protecting Students With Disabilities,” <https://www2.ed.gov/about/offices/list/ocr/504faq.html>.

<sup>10</sup> 7 C.F.R. § 273.5 (b)(6).

<sup>11</sup> 7 C.F.R. § 273.5 (b)(6)(i); Letter from College Food Insecurity Coalition to Biden Administration, October 18, 2022, <https://frac.org/wp-content/uploads/Group-Org-Letter-to-Biden-Admin-on-College-Food-Insecurity-18-Oct-2022.pdf>.

<sup>12</sup> The Consolidated Appropriations Act, 2021, Public Law 116–260.

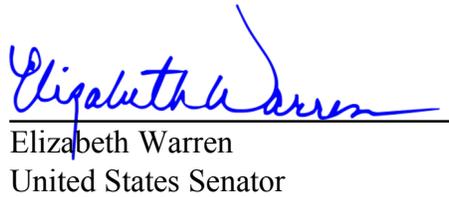
<sup>13</sup> Community College Research Center, “Participation in Federal Work-Study,” July 2021, <https://ccrc.tc.columbia.edu/media/k2/attachments/participation-federal-work-study.pdf>.

The Biden Administration has committed to providing students with access to federal nutrition resources that meet their basic needs.<sup>14</sup> As we continue to advocate for passage of legislation that will make permanent and expand the successful results of the temporary student exemptions, USDA and the ED must follow through on this commitment by clarifying important flexibilities in the SNAP student exemption rules.

We request a briefing with your Departments to further discuss these proposals no later than 60 days after receiving this letter. Thank you for your consideration of this important matter.

Sincerely,

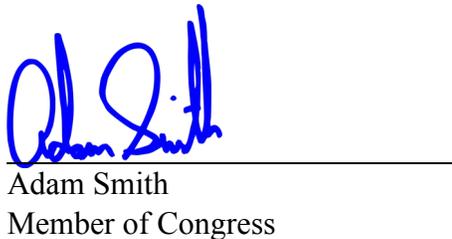
  
Jimmy Gomez  
Member of Congress

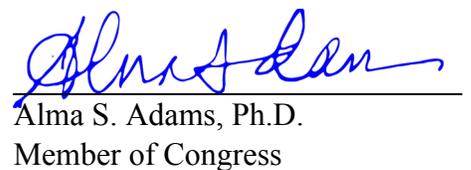
  
Elizabeth Warren  
United States Senator

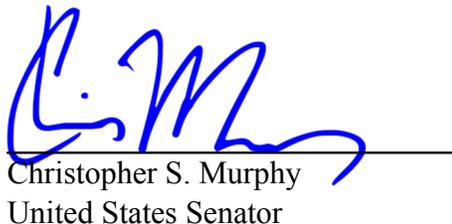
  
Suzanne Bonamici  
Member of Congress

  
Josh Harder  
Member of Congress

  
Jimmy Panetta  
Member of Congress

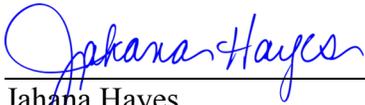
  
Adam Smith  
Member of Congress

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

  
Christopher S. Murphy  
United States Senator

  
Kirsten Gillibrand  
United States Senator

<sup>14</sup> The White House, “Biden-Harris Administration National Strategy on Hunger, Nutrition, and Health,” September 2022, p. 10, <https://www.whitehouse.gov/wp-content/uploads/2022/09/White-House-National-Strategy-on-Hunger-Nutrition-and-Health-FINAL.pdf>.



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Jahana Hayes  
Member of Congress



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Alex Padilla  
United States Senator



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James P. McGovern  
Member of Congress



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Adam B. Schiff  
Member of Congress



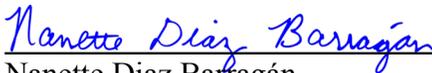
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Jim Costa  
Member of Congress



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Bernard Sanders  
United States Senator



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Nanette Diaz Barragán  
Member of Congress



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Peter Welch  
United States Senator



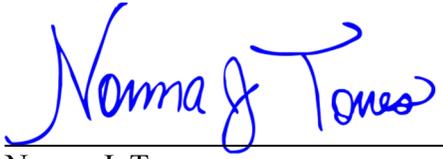
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MARK TAKANO  
Member of Congress



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Ben Ray Luján  
United States Senator

A handwritten signature in blue ink that reads "Norma J. Torres". The signature is written in a cursive style with a horizontal line underneath it.

Norma J. Torres  
Member of Congress