



United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

FEB - 4 2013

The Honorable Jeff Sessions
Ranking Member
Committee on the Budget
United States Senate
624 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Sessions:

Thank you for your letter of October 9, 2012, requesting additional information on the partnership established in 2004 between the Department of Agriculture and the Mexican Embassy and its consulates in the United States to raise awareness of the Supplemental Nutrition Assistance Program (SNAP) among those eligible for its benefits. Your letter also requested information on a number of other SNAP-related issues. I apologize for the delayed response.

With respect to USDA's partnership with the Mexican Embassy, USDA personnel have met periodically with Embassy officials and other stakeholders to discuss nutrition assistance programs as well as to provide program updates. As noted in our previous correspondences, most of these activities—roughly 80 percent—occurred between 2004 and 2008. Our records indicate that the following activities have occurred since the beginning of 2009:

- The U.S.-Mexico Partnership for Nutrition Assistance participated in approximately 3 health fairs and similar events associated with Bi-National Health Week in 3 U.S. cities;
- Food and Nutrition Service (FNS) representatives participated in approximately 18 meetings with Mexican Embassy officials and consulate staff in 9 U.S. cities;
- FNS representatives and Embassy or consulate staff participated in approximately 7 roundtable discussions, conferences, or forums in 4 U.S. cities.

SNAP eligibility has never been extended to undocumented non-citizens. The Farm Security and Rural Investment Act of 2002, Public Law 107-171, restored SNAP eligibility to most lawfully present non-citizens, including individuals who have resided in the United States for 5 years, children under 18 years of age, and individuals receiving disability-related assistance or benefits.

The table below shows that total benefits to legal lawfully present, eligible non-citizens, including refugees, have held steady as a share of overall SNAP benefits, accounting for between 3.5 and 4.0 percent of total caseload since 2004.

Percentage of Total SNAP Benefits Going to Lawfully Present Non-citizens

Fiscal Year	Refugees	Other Legal Non-citizens
	Percent	Percent
2001	1.3%	2.4%
2002	0.9%	2.3%
2003	0.9%	2.2%
2004	0.9%	2.9%
2005	0.8%	3.0%
2006	0.8%	3.1%
2007	0.7%	2.9%
2008	0.8%	2.8%
2009	0.9%	3.1%
2010	0.8%	3.1%
2011	0.8%	3.2%

Source: Characteristics of [Food Stamp] Supplemental Nutrition Assistance Program Households (various years). Available at www.fns.usda.gov/ora.

“Public charge” determinations are governed by Section 212(a)(4) of the Immigration and Nationality Act (INA), 8 U.S.C. 1182(a)(4). Both the Department of Homeland Security (DHS) and the Department of State (DOS) are responsible for making public charge determinations and have defined public charge as applying to those non-citizens who have become or are likely to become primarily dependent on the government for subsistence, as demonstrated by either (i) the receipt of public cash assistance for income maintenance or (ii) institutionalization for long-term care at government expense. USDA’s understanding is that DHS has a longstanding policy of not considering for public charge purposes SNAP and other nutrition assistance programs administered by FNS (see <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543fd1a/?vgnexto id=829b0a5659083210VgnVCM100000082ca60aRCRD&vgnnextchannel=829b0a5659083210VgnVCM100000082ca60aRCRD>).

FNS provided guidance on DHS’s public charge policy in an All State Commissioners letter on February 1, 2010, available at <http://www.fns.usda.gov/snap/rules/Memo/2010/020110.pdf>. The SNAP Guidance on Non-Citizen Eligibility, available at http://www.fns.usda.gov/snap/government/pdf/Non-Citizen_Guidance_063011.pdf, also addressed DHS’ policy on public charge.

With respect to SNAP participation rates, the most recent available data shows that in 2010, an average of 51 million individuals were eligible for benefits each month, and 38 million received them, resulting in a participation rate of 75 percent among all SNAP-eligible individuals in that year.

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USDA's strategic plan includes a goal to reach 75 percent of the SNAP-eligible population by 2015—the same rate reached in 2010. USDA does not set goals for the number of people enrolled in the program but is committed to making benefits available to all eligible people who choose to apply. Our expectation is that, as economic conditions improve and the number of SNAP-eligible people drops, the program will continue to reach a high proportion of those eligible, but participation levels and cost will decline.

Please feel free to contact Brian Baenig, Assistant Secretary for Congressional Relations, at (202) 720-7095, if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Vilsack', written over a horizontal line.

Thomas J. Vilsack
Secretary