



NATIONAL ORGANIZATION OF
SOCIAL SECURITY CLAIMANTS'
REPRESENTATIVES
ESTABLISHED 1979

November 14, 2023

Faye Lipsky
Federal Register Liaison
Office of Legislation and Congressional Affairs
Social Security Administration
6401 Security Blvd.
Baltimore, MD 21235

Submitted via Regulations.gov

RE: Expand the Definition of a Public Assistance Household
Docket No. SSA-2023-0015

Dear Director Lipsky:

These comments are submitted on behalf of the National Organization of Social Security Claimants' Representatives (NOSSCR), a specialized bar association for attorneys and advocates who represent Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) claimants throughout the adjudication process and in federal court.

NOSSCR supports the agency's proposed changes to expand the definition of a public assistance (PA) household to include the Supplemental Nutrition Assistance Program (SNAP) as an additional means-tested public income maintenance (PIM) program. We applaud the agency's proposed change in definition to include households in which *any other* (as opposed to *every other*) member receives public assistance.

These changes will certainly help to preserve the benefits of our nation's most vulnerable claimants, and we encourage the agency to institute more of these commonsense protections for disability benefit recipients.

1. We Support the Expansion of the Definition of a Public Assistance Household to Include SNAP

As the Agency properly identifies, public reliance on needs-based assistance programs has changed drastically since the inception of the PA household exclusion. This is illustrated by the sharp decrease in the nationwide reliance on programs that currently qualify as PC household exclusions, coupled with the significant increase in the number of SSI recipients. The numbers make it clear that the current definition of a PA household is failing to capture the intended population.

As such, we agree with the proposed changes to include SNAP in the definition of a PA household, as doing so would align with the intended purpose of the PA household exclusion. By definition, the PA household exclusion was meant to preserve the needed benefits of qualifying household members by excluding their eligible benefits from the in-kind support and maintenance benefit reduction.

After meeting the eligibility criteria, SNAP is provided to recipients with resources so low they are unable to obtain adequate and nutritious food. Counting a portion of a SNAP-recipient's resources against the SSI recipient by way of the in-kind support and maintenance benefit reduction thwarts the intentions of both programs. The current proposed changes are an essential step toward ensuring that these needs-based benefit programs are properly serving their intended recipients, and we encourage the Agency to implement these proposed changes as soon as possible.

2. We Strongly Support the Agency's Proposed Policy Change to Include "Any" Member of the Household

As the Agency properly states, "because SNAP is a household-level benefit," other agencies have already determined that all members of the household require all of their own income for their own needs. As such, the Agency need not determine if *every* member of a SNAP household qualifies for public-income maintenance. The work has already been done. If *any* member of the household qualifies for SNAP, the PA household program requirements are satisfied. The agency need not duplicate work. Changing the definition to "*any other*" member would simplify and streamline the processing of SSI claims, saving agency time, and allowing the needs of the intended beneficiaries to be satisfied more expeditiously.

3. We Encourage SSA to Utilize Data-Sharing Agreements with SNAP Administrators in All States

The agency has already successfully implemented data-sharing agreements with a handful of states to verify PA household status.¹ We encourage SSA to expand and standardize these data-sharing agreements to streamline the process and reduce the reporting burden on the beneficiaries. The receipt of SNAP can and should be directly verified with the state agencies who administer SNAP.

4. SSA Should Continue This Meaningful Expansion of the Definition of Public Assistance Household

We applaud the agency's progress in this arena and hope to see the proposed changes enacted swiftly; however, we also encourage the agency to continue this meaningful forward progress. Additional expansions, like including Medicaid recipients in the definition of a PA household, would positively impact the lives of vulnerable citizens. Such an expansion would also streamline and connect multiple non-cash assistance programs with similar eligibility criteria, increasing equity and reducing the administrative burden.

Thank you for your consideration of these comments.

Sincerely,



David Camp
Interim Chief Executive Officer

¹ Under current policy, SSA is permitted but not required to confirm PA household status by contacting the administering state agency. POMS SI 00835.130. SSA has entered into data-sharing agreements with at least 3 state agencies to enable SSA access to state records online. See POMS GN BOS00301.035 (Connecticut), GN BOS00301.037 (Massachusetts), and GN BOS00301.040 (Vermont). In these state-specific operations instructions, SSA staff can directly confirm receipt of public assistance with the administering agency.