COVID-19 Package 4 Request: Congress should repeal the outdated, harsh, and counterproductive lifetime ban on individuals with a drug felony conviction from receiving SNAP and TANF or suspend the policy during the COVID-19 crisis.

Background: In 1996, Congress imposed a lifetime ban on individuals convicted of a drug felony from receiving Supplemental Nutrition Assistance Program (SNAP) and/or Temporary Assistance for Needy Families (TANF) as a part of comprehensive “welfare reform.”

SNAP and TANF provide a minimal level of support during times of financial hardship, including now during the COVID-19 pandemic. Individuals and families who qualify for SNAP and TANF are low income, generally living at or below the poverty line. SNAP provides monthly benefits to help buy food. States receive federal TANF block grant funds to provide assistance in various forms, including income assistance (including wage supplements for working-poor families), child care, education and job training, transportation, aid to children at risk of abuse and neglect, and a variety of other services.

Repealing the drug felony ban would support and protect people of color and women. People of color and women are more likely to be harmed by the SNAP/TANF drug felony ban. African American adults are 5.9 times as likely to be incarcerated than whites and Hispanics are 3.1 times as likely. Women are more likely to be incarcerated for drug crimes - 25 percent of women and only 14 percent of men in state prison have been convicted of a drug offense. Women also comprise the vast majority of recipients for SNAP and TANF.

Removing the ban also would help prevent hardship for families with children. Families receive a much lower overall benefit when a parent is ineligible for SNAP/TANF as a result of the drug felony conviction. This means that families with an adult who is banned from benefits has access to less food and support, resulting in families with children going hungry and wanting for other basic necessities as a result of the ban.

Lifting the ban also would support successful and long-term reentry. Access to programs such as SNAP and TANF provide crucial support for formerly incarcerated individuals as they re-enter society. Formerly incarcerated individuals are confronted with thousands of legal barriers and other disqualifications as a result of a criminal conviction and are far more likely to experience unemployment because of a criminal record. One study found that 91 percent of individuals suffer from food insecurity upon release. Research also shows that recently released individuals incarcerated for a drug offense are 10 percent less likely to recidivate when provided full access to benefits such as SNAP and TANF.

Solution: Congress should repeal this outdated, harsh, and counterproductive policy, or at a minimum waive it during the COVID-19 crisis. Congress gave states the ability to opt-out of the drug felony conviction ban, and 26 states have opted out entirely for SNAP and 18 for TANF. Additionally, 24 states have modified the ban on SNAP and 22 for TANF. However, many states still bar individuals for more serious drug convictions or impose onerous and costly requirements that create unnecessary barriers to assistance.

Members of Congress have introduced several bills (HR 5785, HR 1893, HR 7010 and HR 2410) that would repeal the SNAP/TANF drug felony ban. Restoring access to these programs is essential during the COVID-19 pandemic to help provide basic support, such as food, to individuals and families hit hard by the economic downturn. Ensuring access to these supports is critical to helping our families, communities, and nation overcome COVID-19.