

**October 21, 2020**

**ATTORNEY GENERAL RAOUL'S LAWSUIT BLOCKS FEDERAL GOVERNMENT'S CUTS TO SNAP FOOD ASSISTANCE FOR MORE THAN 700,000 UNEMPLOYED AMERICANS**

**Chicago** — Attorney General Kwame Raoul announced that the United States District Court for the District of Columbia has permanently blocked an effort by the federal government to revoke vital Supplemental Nutrition Assistance Program (SNAP) eligibility for over 700,000 unemployed Americans.

In January, Raoul joined a coalition of attorneys general in filing a lawsuit against the United States Department of Agriculture (USDA) to challenge a new rule that would have severely limited states' flexibility to provide food assistance to individuals struggling to find work. Raoul and the coalition successfully argued that the rule change violated federal rulemaking requirements, contradicted law and Congress' intent for SNAP, and lacked a sound rationale - making it arbitrary and capricious. Agreeing on all three fronts, the court vacated the rule entirely, allowing continued access to SNAP benefits for Illinois residents currently relying on the program.

"The SNAP program helps to ensure that families in need have access to nutritious meals, which is particularly critical during the COVID-19 pandemic," Raoul said. "The SNAP program is now more important than ever as hunger is affecting more Americans. I am pleased the court vacated the USDA's callous rule and allowed the SNAP program to continue to deliver vital services to Illinois residents."

SNAP has served as the country's primary response to hunger since 1977, and is a critical part of federal and state efforts to help lift people out of poverty. The program provides access to nutrition for millions of Americans with limited incomes who would otherwise struggle with food insecurity.

While the federal government pays the full cost of SNAP benefits, it shares the costs of administering the program on a 50-50 basis with the states, which operate the program. In its 1996 federal welfare reform law, Congress limited the time period that unemployed able-bodied adults without dependents (ABAWDs) could access SNAP benefits to three months in any 36-month period. Still, the law granted states the ability to request waivers for that time limit if the state or part of the state had an unemployment rate above 10 percent, or did not have a sufficient number of jobs to provide employment for the SNAP recipients who resided there. Congress has reauthorized the statute four times without limiting states' discretion over these matters - including in the 2018 Farm Bill, in which a bipartisan coalition rejected restrictions nearly identical to those later created by the rule.

Shortly after the 2018 Farm Bill was signed into law, the USDA announced a proposed rule seeking to do that which Congress had just expressly rejected. Despite strong opposition from a broad range of stakeholders - including Raoul and the coalition - the USDA's final rule went even further in restricting state discretion over waivers and exemptions than what it initially proposed, and would have produced significant obstacles for the states.

In its decision, the court noted that "the backdrop of the pandemic has provided, in stark relief, [the] procedural and substantive flaws" of the rule change. Within two months of the start of the pandemic, over 6 million Americans enrolled in SNAP. The court observed that the USDA was "icily silent" on the question of how many of these enrollees would be locked out of SNAP benefits as a result of the USDA's proposal.

The court ruled that the USDA's change:

- **Violated federal rulemaking requirements:** The Administrative Procedure Act (APA) governs internal procedures for federal agencies, including rulemaking. Among other requirements, agencies must provide sufficient notice of the proposed changes to allow meaningful public comment on the substance of a rule. The USDA's final rule diverged from its proposed rule in significant ways and justified many changes using vague, undefined language, denying commenters meaningful opportunity to weigh in on the full extent of the agency's changes.
- **Contradicted statutory language and Congress's intent for the food-stamp program:** On multiple occasions – most recently in 2018 – Congress has reaffirmed in law its position that the states are best equipped to determine whether there are sufficient job opportunities for ABAWDs, what specific geographic areas need waivers, and to provide nuanced evidence substantiating that need to the USDA. The USDA's rule directly contravened the law and congressional intent by severely restricting the states' discretion over these matters.
- **Was poorly reasoned, rendering it arbitrary and capricious:** The APA requires agencies to offer a reasoned explanation for changing long-held policies and address why the facts and circumstances supporting the prior policy should be disregarded. The court agreed that the USDA did not offer adequate explanations for why the agency was changing course from over two decades of practice, that the changes were contrary to the evidence before the agency, and that USDA failed to account for substantial reliance interests and costs to the states and disproportionate impacts on protected classes.

At the preliminary injunction stage, the court had put a hold on the USDA's new waiver rules, while allowing the exemption rules to move forward. With this decision, the court has declared both aspects unlawful, vacating the rule in its entirety.

Raoul joined the attorneys general of California, Colorado, Connecticut, the District of Columbia, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, and Virginia, along with the City of New York in this lawsuit. Several organizations filed briefs and declarations supporting the coalition's arguments, including the U.S. House of Representatives, the Lawyers' Committee for Civil Rights Under Law, the Center on Budget and Policy Priorities, the Food Research and Action Center, and a broad coalition of legal aid and anti-poverty groups.