

**March 25, 2021**

**ATTORNEY GENERAL RAOUL APPLAUDS SUCCESSFUL CONCLUSION OF LAWSUIT CHALLENGING FOOD ASSISTANCE CUTS, URGES CONGRESS TO EXPAND PROGRAM**

**Chicago** — Attorney General Kwame Raoul applauded the dismissal of an appeal of a decision striking down the federal government’s attempt to revoke food assistance for approximately 700,000 Americans. In January 2020, Raoul joined a coalition of 20 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.

Siding with the coalition, Chief Judge Beryl Howell of the U.S. District Court for the District of Columbia temporarily halted parts of the rule in March 2020. In October, she struck down the rule in its entirety, protecting access to SNAP benefits for Illinois residents who rely on the program. The U.S. Department of Justice (DOJ) initially appealed that decision, but on Monday, the DOJ asked the U.S. Court of Appeals for the D.C. Circuit to dismiss the appeal. The court [did so March 23](#). As a result, Chief Judge Howell’s decision striking down the rule is final, and the cuts will not go into effect.

“The USDA’s rule unfairly punished those who live in poverty and would disproportionately impact communities of color,” Raoul said. “The SNAP program helps families gain access to nutritious meals, which is particularly critical during the COVID-19 pandemic. I applaud the district court’s decision that protects SNAP beneficiaries and allows the program to continue to deliver vital services to Illinois residents. I urge Congress to expand SNAP in order to serve even more residents who continue to struggle during the pandemic, and I will continue to advocate to ensure those in need can access food and essential nutrition.”

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 administration costs on a 50-50 basis with 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 enough 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 that would have made it far more difficult for states to assist residents in need of food assistance. Despite strong opposition from a broad range of stakeholders, the USDA’s final rule went even further than the initial proposal in restricting state discretion over SNAP waivers and exemptions, and would have produced significant obstacles for the states. In their lawsuit, Raoul and the coalition asserted that the rule undermined Congress’ intent for the program, and that the USDA violated the federal rulemaking process.

Joining Raoul in this lawsuit was a coalition of 20 attorneys general. 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. The multistate action was

consolidated with an action brought on behalf of private plaintiffs by the Legal Aid Society of the District of Columbia.

In an effort to further protect SNAP benefits, Raoul also [joined a letter](#) to Congress signed by 17 states and New York City on March 19, 2021 in support of the Improving Access to Nutrition Act. If enacted, the bill would eliminate statutory limitations on the time period during which ABAWDs can access benefits. The letter argues that those limitations have proven ineffective in encouraging employment and serve only to prevent those who cannot find work from accessing essential nutrition. Raoul and the coalition also note that the process for seeking waivers and exemptions from the time period due to lack of jobs in an area creates significant administrative burdens on states and that the data needed to show a lack of jobs is not always available. Finally, the letter notes that passage of the Improving Access to Nutrition Act would prevent future administrations from cruel attempts to cut off nutritional assistance.

Joining Raoul in the letter are the attorneys general Connecticut, Delaware, the District of Columbia, Hawaii, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, and Wisconsin, as well as the corporation counsel of New York City.

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 20-5371**

**September Term, 2020**

**1:20-cv-00119-BAH**

**Filed On: March 23, 2021** [1891284]

District of Columbia, et al.,

Appellees

v.

United States Department of Agriculture, et  
al.,

Appellants

**ORDER**

Upon consideration of appellant's unopposed motion to voluntarily dismiss the appeal, it is

**ORDERED** that the motion be granted, and this case is hereby dismissed.

The Clerk is directed to issue the mandate forthwith.

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Michael C. McGrail  
Deputy Clerk

**Attorneys General of the District of Columbia, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and the Corporation Counsel of the City of New York**

March 19, 2021

Hon. Nancy Pelosi  
Speaker  
House of Representatives  
Washington, DC 20515

Hon. Chuck Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

Hon. Kevin McCarthy  
Minority Leader  
House of Representatives  
Washington, DC 20515

Hon. Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

***Re: Support for the Improving Access to Nutrition Act***

Dear Speaker Pelosi, Leader Schumer, Leader McCarthy, and Leader McConnell,

We, the undersigned Attorneys General of the District of Columbia, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and the Corporation Counsel of the City of New York write to express our support for the Improving Access to Nutrition Act. The legislation would amend the Food and Nutrition Act (“FNA”) of 2008 to eliminate the Supplemental Nutrition Assistance Program’s (“SNAP”) three-month time-limit on the receipt of food assistance for some Americans. Under existing law, unemployed individuals aged 18 to 49 not living with children cannot receive more than three months of SNAP benefits in any 36-month period unless they are employed or in a work or training program for at least 20 hours a week.<sup>1</sup> That time-limit is punitive and ineffective, prohibiting low-income individuals in areas with limited employment opportunities from receiving the food assistance they need to survive and escape poverty.

SNAP has long been the country’s primary weapon against hunger and an important safety net for low-income Americans. The program provides access to nutrition for millions of Americans who struggle with food insecurity. To be eligible for SNAP benefits, household net income – that is, income after deductions for a limited list of necessary expenses – must be at or below the poverty line. The 2021 poverty line for a family of four in all states except Alaska and Hawaii is \$26,500.<sup>2</sup> The average monthly household SNAP benefit was \$246 in 2020.<sup>3</sup>

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<sup>1</sup> 7 U.S.C. § 2015(o)(2); 7 C.F.R. § 273.24.

<sup>2</sup> U.S. Department of Health and Human Services, *2021 Poverty Guidelines*, <https://aspe.hhs.gov/2021-poverty-guidelines#thresholds>.

<sup>3</sup> U.S. Department of Agriculture Food and Nutrition Service, *2020 SNAP Data Tables*, <https://www.fns.usda.gov/pd/supplemental-nutrition-assistance-program-snap>.

The number of Americans in need of food assistance has surged during the COVID-19 pandemic. Approximately 44 million individuals now receive SNAP benefits, up more than 20 percent from 2019.<sup>4</sup> Recent data also revealed that 22 million adults – 11 percent of all adults in the country – reported that their household sometimes or often did not have enough to eat in the last seven days.<sup>5</sup> That is a sharp contrast to pre-pandemic rates when 3.4 percent of adults reported not having enough food to eat at some point during the entirety of 2019.<sup>6</sup> Unemployment remains high – 6.2 percent in February 2021 – and even higher for Black workers – 9.9 percent – and Latino workers – 8.5 percent.<sup>7</sup>

Congress suspended the three-month benefit limit until the Secretary of Health and Human Services lifts the public health emergency, but the increased need for food assistance will persist long thereafter. The country will be ill-prepared for the future without the Improving Access to Nutrition Act. The Act's elimination of the arbitrary three-month limit, which functions to punish more than to uplift, would allow individuals who cannot find work to obtain healthy and nutritious meals. Work requirements – particularly when they are a prerequisite for aid that is necessary for survival – can be destructive and dehumanizing. Such requirements deprive assistance to those in need, ignore the realities faced by low-income Americans, and are ineffective in encouraging employment.<sup>8</sup> Additionally, while the time-limits may be subject to waiver for particular groups of individuals who live in areas with too few job opportunities, the need to substantiate and implement these waivers impose significant administrative burdens on states, and, because appropriately accurate data regarding the true availability of jobs for this specific population is often unavailable or incomplete, cannot be guaranteed.<sup>9</sup> Moreover, the time-limit can be weaponized to inappropriately deprive our most vulnerable residents of essential sustenance.<sup>10</sup>

Ensuring that all Americans have food on the table is a fundamental obligation of a functioning democracy. We urge passage of the Improving Access to Nutrition Act.

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<sup>4</sup> Helena Bottemiller Evich, *Food stamp spending jumped nearly 50 percent in 2020*, Politico, Jan, 27, 2021, <https://www.politico.com/news/2021/01/27/food-stamp-spending-2020-463241>.

<sup>5</sup> Center on Budget and Policy Priorities, *Tracking the COVID-19 Recession's Effects on Food, Housing, and Employment Hardships*, Mar. 15, 2021, <https://www.cbpp.org/research/poverty-and-inequality/tracking-the-covid-19-recessions-effects-on-food-housing-and->

<sup>6</sup> *Id.*

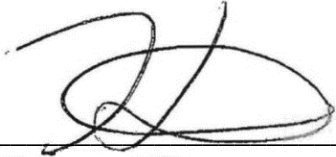
<sup>7</sup> *Id.*

<sup>8</sup> Josh Bivens and Shawn Fremstad, *Why punitive work-hours tests in SNAP and Medicaid would harm workers and do nothing to raise employment*, Economic Policy Institute, July 26, 2018, <https://www.epi.org/publication/why-punitive-work-hours-tests-in-snap-and-medicaid-would-harm-workers-and-do-nothing-to-raise-employment/>.

<sup>9</sup> See *D.C. v. United States Dep't of Agric.*, No. 20-CV-00119, 2020 WL 6123104 (D.D.C. Oct. 18, 2020) (granting summary judgment in favor of plaintiffs).


<sup>10</sup> *Id.*

Sincerely,



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KARL A. RACINE  
Attorney General for the District of Columbia



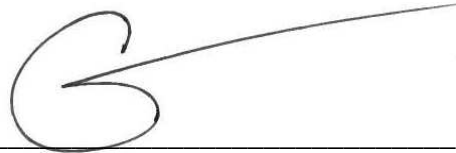
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WILLIAM TONG  
Attorney General of Connecticut



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KATHLEEN JENNINGS  
Attorney General of Delaware



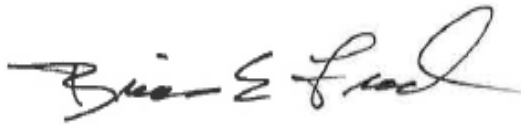
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CLARE E. CONNORS  
Attorney General of Hawaii



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KWAME RAOUL  
Attorney General of Illinois



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BRIAN E. FROSH  
Attorney General of Maryland



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MAURA HEALEY  
Attorney General of Massachusetts



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DANA NESSEL  
Attorney General of Michigan



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KEITH ELLISON  
Attorney General of Minnesota



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AARON D. FORD  
Attorney General of Nevada

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GURBIR S. GREWAL  
Attorney General of New Jersey

---

HECTOR BALDERAS  
Attorney General of New Mexico

---

LETITIA JAMES  
Attorney General of New York

---

JAMES E. JOHNSON  
Corporation Counsel of the City of  
New York

---

ELLEN F. ROSENBLUM  
Attorney General of Oregon

---

PETER F. NERONHA  
Attorney General of Rhode Island

---

THOMAS J. DONOVAN, JR.  
Attorney General of Vermont

---

MARK R. HERRING  
Attorney General of Virginia

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JOSHUA L. KAUL  
Attorney General of Wisconsin