

**January 30, 2020**

**ATTORNEY GENERAL RAOUL JOINS LAWSUIT TO PROTECT FOOD STAMP BENEFITS FOR NEARLY 700,000 AMERICANS**

**Chicago** — Attorney General Kwame Raoul joined a multistate coalition of attorneys general in a lawsuit to fight the federal government’s attempt to strip residents of Supplemental Nutrition Assistance Program (SNAP) benefits, commonly called “food stamps.”

Raoul and the coalition [joined a lawsuit](#) filed in the U.S. District Court for the District of Columbia opposing a U.S. Department of Agriculture (USDA) rule that would limit states’ ability to extend SNAP benefits beyond a three-month period for certain adults. Raoul and the coalition argue that the rule directly undermines Congress’ intent for SNAP and that the USDA violated the federal rulemaking process. Additionally, Raoul and the coalition argue that the rule would impose significant regulatory burdens on states and harm states’ residents and economies, and are urging the court to declare the rule unlawful and issue an injunction to prevent the rule from going into effect.

“The USDA’s arbitrary rule punishes people who live in poverty and disproportionately impacts our most vulnerable residents and communities of color,” Raoul said. “I am committed to fighting to protect SNAP and critical programs that support the work states are doing to help our residents escape the cycle of poverty.”

Congress altered SNAP in 1996 to introduce a three-month time limit on SNAP benefits for unemployed adults between the ages of 18 and 49 who are not disabled or raising children – “able-bodied adults without dependents” (ABAWDs). However, states have the ability to request waivers for that time limit if the state or part of the state has an unemployment rate above 10 percent or does not have a sufficient number of jobs to provide employment for SNAP recipients who would otherwise lose their benefits. The USDA’s “Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents” rule, which is slated to take effect April 1, 2020, would severely restrict states’ ability to request such waivers.

In the lawsuit, the states argue that the administration’s rule:

- **Contradicts statutory language and Congress’ intent for the food-stamp program:** When Congress amended SNAP and added the ABAWD time limit in 1996, it included a waiver process explicitly providing for relief from the time limit if insufficient job opportunities were available, and Congress clearly indicated that states were best equipped to make this determination based on local economic and employment conditions. Congress has reaffirmed this position multiple times, most recently in 2018. Yet the USDA’s new rule severely restricts states’ discretion over these matters and essentially writes this basis for waiver out of the statute, in direct contradiction of law and congressional intent. Major aspects of the rule mirror proposed changes that Congress explicitly rejected in 2018.
- **Raises health care and homelessness costs while lowering economic activity in the states:** For SNAP recipients, losing benefits means losing critical access to food, raising the risk of malnutrition and other negative health effects. Studies have shown that SNAP can counteract food insecurity and lower health care costs for recipients by about [\\$1,400 per person](#), costs that states will likely bear in the absence of SNAP assistance. Without SNAP benefits, many will be forced to choose between having food to eat or a place to live. Their purchasing power will decrease, harming state

economies. As the USDA concedes in the rule, these impacts will be most concentrated among lower-income communities of color.

- **Amends the law for arbitrary and capricious reasons:** The Administrative Procedure Act (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. For more than two decades, the USDA has accepted Congress' premise that a state should define the geographic scope of its waiver request and support that request with a wide range of data sources that are together best able to capture employment prospects for ABAWDs. Yet the new rule strictly defines the area for which waivers may be sought and rejects data beyond general unemployment figures without any justification.
- **Violates the federal rulemaking process:** The APA governs internal procedures for federal agencies, including rulemaking. Among other requirements, agencies must solicit and consider public comments on the substance of a rule. The USDA broke from this process by issuing a final rule that diverged from its proposed rule in significant ways. For example, while the proposed rule maintained that a state could receive a waiver if it qualified for extended unemployment benefits under Department of Labor policies, the final rule eliminated this basis. Thus, commenters did not receive meaningful opportunity to comment on the full extent of the agency's changes.

Raoul and the attorneys general of Hawaii, Maine, and New Mexico joined a lawsuit filed by the District of Columbia, New York, California, Connecticut, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and the city of New York.