



PRESS RELEASE

Attorney General Frosh Joins 21 States and Territories in Opposing USDA Rule that Would Unlawfully Strip Residents of SNAP Benefits

Coalition Opposes Federal Attempt to Limit States' Flexibility with SNAP Benefits

BALTIMORE, MD (April 3, 2019) – Maryland Attorney General Brian E. Frosh today joined a coalition of 21 states and territories in opposing an unlawful Trump administration effort to strip residents of Supplemental Nutrition Assistance Program (SNAP) benefits. The United States Department of Agriculture's (USDA) proposed rule, "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents," would affect the SNAP program—the country's most important anti-hunger program. The coalition filed a [comment letter](#) against the proposed rule that would limit states' ability to extend SNAP benefits beyond a three-month period for certain adults. This means more than 750,000 people nationwide could lose their nutrition benefits. The coalition argues that this rule actively undermines Congress' intent in creating the food-stamp program; violates federal law because it is being implemented arbitrarily and without sufficient justification; and would hurt the states' economies and have a disproportionate impact on protected groups.

"The SNAP program provides life sustaining nutrition to people with limited incomes. Half of the recipients are children," said Attorney General Frosh. "SNAP is a crucial component of federal and state efforts to fight hunger and help lift people out of poverty."

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. The 1996 federal welfare reform law limited the time period that unemployed able-bodied adults without dependents could access SNAP benefits to three months. 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 the SNAP recipients who would otherwise lose their benefits. The proposed USDA rule would severely restrict states' ability to request such waivers.

The proposed USDA rule is the latest in a series of unlawful attempts by the Trump administration to expand work requirements for important safety-net programs far beyond what Congress intended. The comment notes the proposed USDA rule violates the law and harms the states by:

- **Contradicting Congress' intent:** The SNAP program was created, according to its authorizing legislation, to “alleviate . . . hunger and malnutrition” by “permit[ing] low-income households to obtain a more nutritious diet through normal channels of trade.” The attorneys general, in their letter, say the proposed rule would undermine Congress’ intent for SNAP because, by the Department’s own calculations, the rule would cause more than three-quarters of a million people to lose their ability to obtain an adequate level of nutrition in in Fiscal Year 2020. The rule also attempts to implement a change to the law that Congress considered and rejected in 2018.
- **Violating federal law:** The attorneys general argue the rule would violate the federal Administrative Procedure Act (APA), which governs how federal agencies implement rule changes. Among other violations of the APA, the proposed rule does not provide any explanation for the proposed changes, does not cite any evidence that justifies the proposed changes, and does not consider the costs associated with the rule’s implementation.
- **Hurting the District and states:** The letter also says the proposal would impose significant burdens on the District and states. Without the flexibility permitted by the current standards for waivers, states would find themselves in a difficult position when dealing with sudden economic downturns in a particular area or the loss of a certain industry. States’ medical, disability, and other systems will be further burdened when individuals who lose SNAP benefits due to the proposed rule are malnourished.
- **Failing to account for disproportionate impacts:** The attorneys general argue the rule also fails to account for its disproportionate impact on communities of color, who are more likely to experience unstable employment than other groups. The USDA notes that while the proposed changes “have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups, [USDA] find[s] that implementation of mitigation strategies and monitoring by the [USDA] will lessen these impacts.” However, the proposal doesn’t explain what mitigation strategies it will use. And, the attorneys general say, no mitigation strategy can adequately alleviate the greater likelihood of food insecurity and poverty that stricter time limit waiver requirements will have on protected classes.

In addition to Maryland, the comment letter was signed by the attorneys general of California, Connecticut, the District of Columbia, Guam, Hawaii, Illinois, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.