

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.