



June 1, 2020

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

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

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

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

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

We, the District of Columbia, the State of New York, the State of California, the State of Colorado, the State of Connecticut, the State of Hawaii, the State of Illinois, the State of Iowa, the State of Maine, the State of Maryland, the Commonwealth of Massachusetts, the State of Michigan, the State of Minnesota, the State of Nevada, the State of New Jersey, the State of New Mexico, the State of North Carolina, the State of Oregon, the Commonwealth of Pennsylvania, the State of Rhode Island, the State of Vermont, the Commonwealth of Virginia, the State of Washington, the State of Wisconsin, and the City of New York write to urge Congress to ensure its next coronavirus stimulus package maintains vital food assistance for millions of Americans during this time of unprecedented uncertainty. In particular, we write to express support for provisions in the HEROES Act, passed by the U.S. House of Representatives on May 15, that would prohibit the use of funds to finalize or implement three administrative rules restricting Americans' ability to receive critically necessary benefits under the Supplemental Nutrition Assistance Program ("SNAP").

Protecting and expanding SNAP, the nation's largest food assistance program, should be among Congress's top priorities during this extraordinary public health and economic crisis. Americans, especially low-income individuals and families, face skyrocketing unemployment and unprecedented challenges. At the forefront is their ability to satisfy their most essential and basic needs—food on the table. That challenge, which more and more Americans struggle to meet with each passing day, should not be compounded by cuts to the very programs that Americans need to survive.

The HEROES Act, as passed by the House, would prohibit the expenditure of appropriated funds to implement three rules related to SNAP: (1) the Requirements for Able-Bodied Adults Without Dependents rule; (2) the Revision of Categorical Eligibility rule; and (3) the Standardization of State Heating and Cooling Standard Utility Allowances rule.¹ Those rules, if in effect, would kick millions of Americans off of SNAP when the assistance is most needed. Many of the signatories to this letter submitted formal comments to the United States Department of Agriculture (USDA) challenging these rules.²

The first rule, which restricts states' flexibility to extend SNAP benefits to able-bodied adults without dependents beyond a three-month period when there are inadequate jobs to employ them, was finalized in December 2019. If permitted to go into effect, this rule would push an estimated 700,000 struggling Americans out of the SNAP program.³ Many of the undersigned brought suit challenging the legality of the rule and, in March 2020, successfully obtained a partial preliminary injunction in the United States District Court for the District of Columbia. Congress addressed this rule when it passed the Families First Act as part of its initial response to COVID-19. That legislation waived SNAP benefit time limits during the public health emergency.⁴ That common sense measure serves as a template for future congressional action pertaining to SNAP.

The second rule, proposed on July 24, 2019, would withdraw SNAP benefits from an estimated 3.1 million Americans.⁵ The rule severely limits states' ability to make low-income residents eligible for SNAP based on their eligibility for other public benefits. It would not only force millions of Americans to go without critical food assistance but would also further burden state agencies that administer SNAP at a time when they are overwhelmed by increased demand. Based on jurisdiction-specific realities, 42 states and territories utilize a form of broad-based categorical eligibility that enhances their ability to quickly and efficiently distribute food aid to Americans in dire straits. Significantly, many of these states allow families to preserve basic emergency savings while maintaining their eligibility for food assistance. The rule, if adopted, effectively requires Americans to go almost completely broke before receiving SNAP benefits.

The third rule, proposed on October 3, 2019, would change states' ability to account for the costs of utilities, including home heating and cooling, as they calculate SNAP household benefits.⁶ The change would result in 19% of SNAP households receiving lower monthly SNAP benefits and would disproportionately affect Americans who are uniquely vulnerable at this time—

¹ Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, H.R. 6800, 116th Cong. at 763 (2020).

² See, e.g., Comments Regarding Proposed Revisions to Requirements for Able-Bodied Adults Without Dependents, Apr. 2, 2019, <https://oag.dc.gov/sites/default/files/2019-04/Multistate-SNAP-Letter.pdf>; Comments Regarding Proposed Revisions to Categorical Eligibility, Sept. 23, 2019, <https://ag.ny.gov/sites/default/files/snap-eligibility-comment-letter.pdf>; Comments Regarding Revision of Standardization of State Heating and Cooling Standard Utility Allowances, Dec. 2, 2019, <https://ago.vermont.gov/wp-content/uploads/2020/01/12-2-19-VT-AGO-Comment-re-Standardization-of-Utility-Allowance.pdf>.

³ 84 Fed. Reg. 66782. This estimate, provided by the USDA in the proposed rule, does not reflect the seismic impact of COVID-19 and the increased need for food assistance. As a result, it underestimates the number of Americans that would be affected.

⁴ See Families First Coronavirus Act, Pub. L. No. 116-127, § 2301.

⁵ 84 Fed. Reg. 35570. This USDA estimate also does not reflect the impact of COVID-19. If finalized during the current economic downturn, this rule would affect far more than 3.1 million Americans.

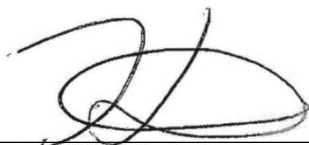
⁶ 84 Fed. Reg. 52809.

seniors and people with disabilities. According to the U.S. Department of Agriculture’s Food and Nutrition Service’s regulatory impact analysis, 26.4% of households with an elderly member would lose on average \$36 in monthly benefits while, on average, 20.6% of such households would gain only \$14 in benefits. 30.4% of households with an individual with a disability would lose an average of \$35 in monthly benefits while, on average, 25.3% of such households would gain only \$13 in benefits. Many of these households are those most in need of SNAP benefits.

The present crisis underscores the acute need to, at a bare minimum, preserve SNAP in its current form. More than that, this moment should compel Congress to consider *expanding* food assistance for those in need. The three SNAP-related rules, if allowed to go into effect, would do the opposite. 40% of American households with incomes below \$40,000 lost jobs in March alone.⁷ 40.8 million Americans have filed for unemployment during the last ten weeks.⁸ Unsurprisingly, the number of Americans applying for SNAP benefits has also spiked.⁹ Cutting food assistance during a pandemic would simply add insult to injury for low-income individuals and families.

We urge Congress to make every effort to ensure that Americans can keep food on the table. Prohibiting the expenditure of funds related to the implementation of these three rules would be a critical step in that direction.

Sincerely,



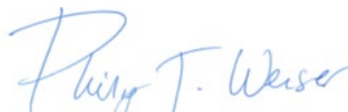
KARL A. RACINE
Attorney General for the District of Columbia



LETITIA JAMES
Attorney General of New York



XAVIER BECERRA
Attorney General of California

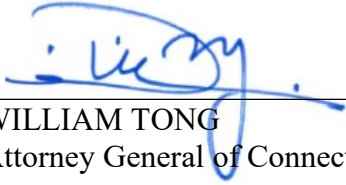


PHIL WEISER
Attorney General of Colorado

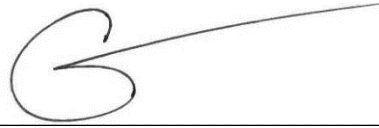
⁷ Victoria Guida, *Job Losses Have Now Hit 40% of Low-Income Homes*, Politico, May 14, 2020, <https://www.politico.com/news/2020/05/14/pandemic-job-losses-households-258710>.

⁸ Tony Romm, *Americans Have Filed More Than 40 million Jobless Claims in Past 10 Weeks, as Another 2.1 Million Filed for Benefits Last Week*, Washington Post, May 28, 2020, <https://www.washingtonpost.com/business/2020/05/28/unemployment-claims-coronavirus/>.

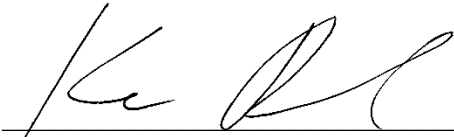
⁹ See, e.g., Stacy Fernández, *Texas Families Filing for SNAP Food Assistance Almost Doubled in April*, Texas Tribune, May 21, 2020, <https://www.texastribune.org/2020/05/21/texas-snap-food/> (“In April [2020], Texas received a staggering 417,468 applications for the Supplemental Nutrition Assistance Program. That was more than triple the 114,937 applications filed in April 2019 and well above the 230,809 applications filed in March [2020].”).




WILLIAM TONG
Attorney General of Connecticut




CLARE E. CONNORS
Attorney General of Hawaii



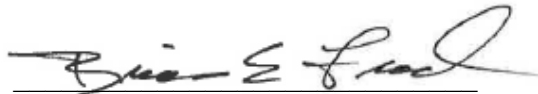
KWAME RAOUL
Attorney General of Illinois



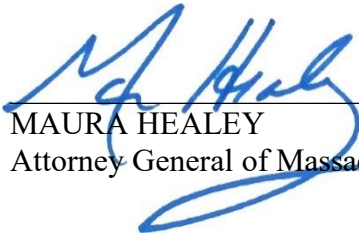
TOM MILLER
Attorney General of Iowa



AARON M. FREY
Attorney General of Maine



BRIAN E. FROSH
Attorney General of Maryland



MAURA HEALEY
Attorney General of Massachusetts



DANA NESSEL
Attorney General of Michigan



KEITH ELLISON
Attorney General of Minnesota




AARON D. FORD
Attorney General of Nevada




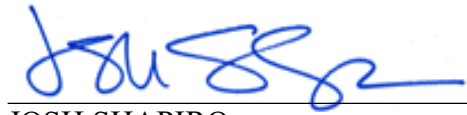
GURBIR S. GREWAL
Attorney General of New Jersey




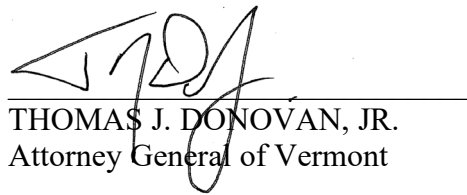
HECTOR BALDERAS
Attorney General of New Mexico

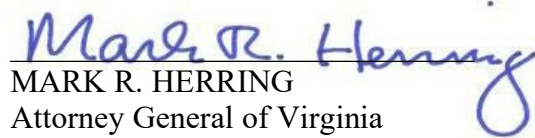

JOSH STEIN
Attorney General of North Carolina



ELLEN F. ROSENBLUM
Attorney General of Oregon

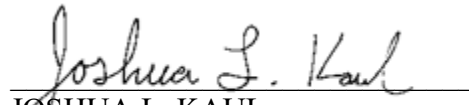

JOSH SHAPIRO
Attorney General of Pennsylvania



PETER F. NERONHA
Attorney General of Rhode Island


THOMAS J. DONOVAN, JR.
Attorney General of Vermont


MARK R. HERRING
Attorney General of Virginia


BOB FERGUSON
Attorney General of Washington


JOSHUA L. KAUL
Attorney General of Wisconsin


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