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AG Kaul: Demands Trump administration halt rule that would “leave 3.1 million Americans hungry” during COVID-19

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MADISON, Wis. – Attorney General Josh Kaul today joined a coalition of 22 attorneys general and the City of New York demanding that the Trump administration immediately suspend rulemaking that would cut food assistance for 3.1 million people. In a letter to the Department of Agriculture (USDA), the coalition urges the agency not to finalize a proposed rule that would take Supplemental Nutrition Assistance Program (SNAP) benefits from millions of low-income Americans. The rule would also make it harder to qualify for food benefits and imposes significant new administrative burdens on states. The states and New York City warn that it is deeply irresponsible to move forward with these changes during a global pandemic and deepening economic crisis in which hundreds of thousands of people are ill and millions have lost jobs.

“The federal government must not undermine food security during a pandemic. While this proposed rule would be wrong under ordinary circumstances, it would be especially harmful now,” said Attorney General Kaul.

The Trump Administration’s proposed rule “Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP),” would limit needy families’ access to SNAP, the country’s most important anti-hunger program, which is often referred to as “food stamps.” SNAP provides people with limited incomes the opportunity to buy nutritious food that they otherwise could not afford. SNAP is a crucial component of federal and state efforts to help lift people out of poverty—and it is a crucial lifeline that could prevent families from going hungry at a time when

more than 20 million Americans have lost jobs in the last month.

USDA's proposed rule would eliminate a long-standing policy known as "broad-based categorical eligibility" (BBCE). This policy allows states to make low-income families automatically eligible for SNAP benefits if they have already qualified to receive certain other types of public assistance. Through BBCE, states can extend SNAP benefits to low-income families that slightly exceed the program's gross income and asset limits if they also have significant critical expenses, like childcare, housing, or education expenses. BBCE is used by 39 states, the District of Columbia, Guam, and the U.S. Virgin Islands.

In the letter sent to Secretary of Agriculture Sonny Perdue, the multistate coalition asserts that USDA must immediately suspend rulemaking because if the proposed rule is finalized, it would:

- Take food assistance away from 3.1 million people during the pandemic: If the proposed rule is finalized now, over 3.1 million low-income people could lose critical nutrition assistance. These cuts would hit especially hard at a time when approximately 95 percent of Americans are under stay-at-home orders, millions of people are out of work, and there are fully signed Presidential Disaster Declarations in all 50 states and the District of Columbia.
- Impair the national response to COVID-19: To prevent the further spread of COVID-19, which has already killed more than 36,000 Americans, it is necessary for people to comply with stay-at-home orders in their jurisdictions and continue social distancing. In order to do so, they must be able to feed themselves, whether or not they are still employed, searching for employment, or able to work from home. Additionally, many essential workers—grocery store clerks, delivery drivers, warehouse workers, among others—who are keeping the country running during the public health emergency rely on food stamps. These workers should not have to worry about how to feed their own families too.
- Impose major administrative burdens on States that are desperately fighting COVID-19: The Rule would impose substantial additional administrative burdens on the States, at a time when states are acting as front-line public health and economic responders and focusing every possible resource on keeping residents safe. BBCE was intended to reduce administrative costs and burdens by allowing states to qualify families for multiple benefits programs at once, rather than having to assess the same families multiple times and using separate qualification processes for each program. By eliminating BBCE, the

> Trump administration would force states to duplicate efforts as they evaluate residents for programs that they desperately need.

The coalition also argues that implementing the proposed rule would run counter to guidance from the Office of Management and Budget directing federal agencies to "prioritize all resources to slow the spread of COVID-19." They emphasize there is no plausible argument that implementing the proposed rule would help slow the spread of COVID-19 and urge USDA to focus on supporting families throughout this crisis instead of denying needed assistance.

In addition to Attorney General Kaul, the letter was joined by attorneys general from California, Colorado, Hawaii, Illinois, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New York, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, Washington, D.C. and the Corporation Counsel for the City of New York.

A copy of the letter is available here.