March 23, 2020

Senator Pat Roberts
Senator Debbie Stabenow
Committee on Agriculture, Nutrition, and Forestry
U.S. Senate
328A Russell Senate Office Building
Washington, DC, 20510

The Honorable Collin C. Peterson, Chair
The Honorable K. Michael Conaway, Ranking Member
Committee on Agriculture
U.S. House of Representatives
1301 Longworth House Office Building
Washington, DC 20515 -6001

Dear Chairman Roberts, Ranking Member Stabenow, Chairman Peterson, and Ranking Member Conaway :

Thank you for your leadership in providing support to U.S. residents during this public health emergency. As legal services advocates, we write to urge you to use your influence as the leadership of the congressional committees overseeing U.S. nutrition assistance to persuade the U.S. Department of Agriculture, the Food Nutrition Services, and the U.S. Department of Justice not to further pursue new rules that serve to restrict access to nutrition benefits programs. The current public health emergency demonstrates that such crises can have dramatic adverse economic impact on the majority of American workers, and that it takes very little—a missed paycheck or an unexpected layoff—to threaten the economic security of American families.

As you are aware, USDA and the FNS recently implemented a rule restricting states' ability to provide Supplemental Nutrition Assistance Program (SNAP) benefits to individuals identified as "able-bodied adults without dependents" (ABAWD). Under the rule, states are limited to providing no more than three months of SNAP assistance over a thirty-six month period to ABAWDs who are not working, if the unemployment rate in an artificially large "labor market" defined by USDA

meets one of three standards: 1) less than an average of ten percent over twelve months; 2) less than twenty percent over the national average over twenty-four months, or 3) less than six percent.[1]

On March 13, 2020, this rule was enjoined in the U.S. District Court for the District of Columbia in *District of Columbia et al. v. U.S. Dept. of Agriculture* and *Bread for the City et al. v. U.S. Dept. of Agriculture*, 1:20-cv-00119-BAH The Court determined that the rule is "arbitrary and capricious" and violates the Administrative Procedure Act (APA). Media reports have indicated that the USDA and the DOJ plan to appeal the ruling. We think this is not only unwise, but callous given the likely expansion in the number of people for whom such benefits could provide a necessary lifeline in the coming days.

In Connecticut alone, applications for unemployment compensation for this past week have already exceeded 72,000. Typically, the state sees 2000 new applications each week. Many of these new applications are from employees in low-paying service economy jobs as restaurants, stores, and other businesses that directly serve the public have been forced to close. While it is more than likely that the state will see unemployment rates well in excess of ten percent, the time period over which such an increase must occur and be maintained before the new rules would allow the state to distribute benefits more broadly to ABAWDs will mean that most ABAWDs will be unable to access benefits for over twelve months at the earliest. People need help now, and the states need the flexibility to provide that help as soon as possible.

We also ask you to consider legislation to allow for emergency supplemental nutrition assistance above the maximum SNAP benefits. Households currently receiving the maximum in SNAP benefits are those most in need and most likely to be adversely affected by the economic fallout of the COVID-19 outbreak. While the Families First Coronavirus Response Act (Pub. L. 116-127) allows for supplemental emergency benefits, those benefits are limited to the difference between what a household is receiving and the maximum allowable for the size of household. This provision will not help those who need the help the most.

We ask you to use your influence and to encourage your colleagues as well to use theirs to persuade the administration and its agencies that this is the time to increase state flexibility in providing benefits, not further restrict it.

Sincerely,

Shelley A. White
Litigation and Advocacy Director
New Haven Legal Assistance Assn.
205 Orange Street
New Haven, CT 06510
(203)946-4811 ext. 1116 (phone)

Kristen Noelle Hatcher
Managing Attorney, Benefits Unit
Connecticut Legal Services, Inc.
16 Main Street, 2nd Floor
New Britain, CT 06051
(860) 357-9308

Alison M. Weir
Policy Advocate/Attorney
Greater Hartford Legal Aid
999 Asylum Ave., 1st Floor
Hartford, CT 06015
(860) 541-5053

[1] We note that "able-bodied" is a term of art; these are people who have not been formally identified as disabled by governmental programs, but may nonetheless face serious barriers to employment. For example, a lack of educational attainment or physical or mental limitations that do not qualify them for disability payments under the SupplementalSecurity Insurance or Social Security Disability Insurance programs but nonetheless restrict their ability to work full-time in the local job market renders them less than fully able to participate in the local job market.

SWhite@nhlegal.org KHatcher@ctlegal.org AWeir@ghla.org

Cc: Senator Richard Blumenthal
Senator Chris Murphy
Representative John Larson
Representative Joe Courtney
Representative Rosa DeLauro
Representative Jim Himes
Representative Jahana Hayes