

November 26, 2019

SNAP Program Design Branch  
Program Development Division - Food and Nutrition Service  
U.S. Department of Agriculture  
3101 Park Center Drive  
Alexandria, VA 22302

Re: Notice of Proposed Rule Making -- Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances RIN 0584-AE69

Dear SNAP Program Design Branch:

On behalf of **MAZON: A Jewish Response to Hunger**, I am writing today regarding the United States Department of Agriculture's (USDA) request for comments regarding the proposed revision of the Supplemental Nutrition Assistance Program (SNAP) regulations to standardize the methodology for calculating standard utility allowances (SUAs or standards).

**MAZON vehemently opposes the proposed rule change, which would limit state flexibility and efficiency, circumvent Congressional intent, and cause harm to already vulnerable people who are struggling to feed themselves and their families. The proposed rule change is arbitrary, contrary to Congressional intent, and would cause needless irreparable harm. As such, this revision must be withdrawn.**

Inspired by Jewish values and ideals, MAZON is a national advocacy organization working to end hunger among people of all faiths and backgrounds in the United States and Israel. For nearly 35 years, MAZON has been committed to ensuring that vulnerable people have access to the resources they need to be able to put food on the table. MAZON is a leading voice on anti-hunger issues, especially those that involve low-income populations or problems that have been previously overlooked or ignored—this includes food insecurity among currently-serving military families, veterans, single mothers, seniors, rural communities, Tribal Nations, and college students. It is with this experience and focus that we address USDA's request for comments.

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Under the current regulation, state administrators of SNAP take into account the utility expenses of each household that receives SNAP benefits. States adjust household benefits based on a state-specific Standard Utility Allowance (SUA) calculated by each state and approved by USDA. The current policy allows variances in SUAs to accommodate differences in utility costs and rates, granting states helpful flexibility in how they calculate those costs.

The proposed rule change would standardize and cap SUA calculations across the country based on survey data and would cap the largest component of the SUA calculation at the 80<sup>th</sup> percentile of the low-income households represented in the survey. Other elements of the SUA calculation would be capped as well. The proposed rule change offers no adequate explanation or justification for capping the amount of utility expenses that can be considered as household costs for the purposes of calculating the SNAP benefit amount. USDA has also neglected to provide analysis of the impacts of the 80% cap as compared to a higher cap amount. Also missing from USDA's analysis is how the impacts of this proposal will be compounded by other proposed cuts to SNAP currently moving through the rulemaking process. It is likely that, taken together, these proposals will do even greater damage to Americans struggling with hunger than any one proposal alone.

In addition to flagrantly failing in its obligation to present the supporting reasons for these changes, and their impact, USDA has proposed a rule change that is contrary to stated USDA priorities and Congressional intent. On December 5, 2017, USDA committed to "increased cooperation with states in the operation of the Supplemental Nutrition Assistance Program (SNAP) to promote self-sufficiency, integrity in the program, and better customer service."<sup>1</sup> The press release noted that, "[t]o make these improvements, USDA intends to offer state agencies greater local control over SNAP, the safety net program that serves millions of eligible, low-income individuals and families. Specifics on such flexibilities will be communicated to state agencies in the coming weeks." A proposal that restricts a state-flexibility option broadly used by states to accurately measure utility costs for their SNAP households undermines rather than increases cooperation with those states.

In addition to being inconsistent with internal USDA policy, this proposed rule change is an attempt to cut SNAP benefits in a blatant contravention of the clear intent of Congress and the authorizing law. Congress reviewed SNAP policy during the 2018 Farm Bill process, including the fact that states have options that may produce differences in SNAP eligibility benefit amounts from state to state. Although the President's FY 2019 Budget Request included a proposal similar to the proposed rule change,<sup>2</sup> Congress declined to include such a change in the 2018 Farm Bill. Indeed, attempting to standardize benefit amounts across states by lowering benefits for large numbers of participants undermines SNAP's statutory purpose. The 2018 Farm Bill passed both chambers of Congress with broad bipartisan support by unprecedented margins. Regulations are meant to clarify and guide implementation of the laws enacted by a democratically elected Congress. Proposals

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<sup>1</sup> "USDA Promises New SNAP Flexibilities to Promote Self-Sufficiency," *U.S. Department of Agriculture*. December 5, 2017..

<sup>2</sup> "2019 President's Budget: Food and Nutrition Service." *U.S. Department of Agriculture*. February 16, 2018.

outside of this scope and in violation of the express intent of Congress, as formalized in the authorizing law, represent an improper exercise of rulemaking as they exceed the authority granted by the authorizing legislation.

The impacts of this ill-considered proposed rule change will be felt from coast to coast. USDA concedes that the proposed rule change would cause 19 percent of SNAP households to receive lower monthly benefits and would cause a national net cut to SNAP benefits amounting to \$4.5 billion over five years. For instance, an estimated 79% of SNAP households in Washington state will face cuts,<sup>3</sup> and 200,000 households in Massachusetts will be negatively impacted<sup>4</sup>.

MAZON's decades of advocacy on behalf of vulnerable populations grants us the expertise to know that many groups already face unique barriers to food security and would be adversely affected by this rule change proposal—particularly Native Americans living on tribal lands, military families, seniors, and rural households.

### ***Native Americans***

The vast majority of counties that include Tribal lands see average monthly electricity expenditures exceeding the 80<sup>th</sup> percentile cap arbitrarily proposed in this rule change.<sup>5</sup> Of these counties, nearly half of counties with Tribal lands experience costs above their respective 100 percent state average. One-quarter of the Native American population relies on SNAP to feed themselves and their families with dignity. American Indians and Alaska Natives, as Tribal citizens, are a politically protected class, and as Trustee for Indian Country, USDA and FNS maintain a legal responsibility to act in the best interest of Tribal citizens. This proposed rule change is clearly in violation of that responsibility.

### ***Military Families***

Food pantries operate on or near every military base in the U.S., serving active-duty military families who struggle with hunger. In the 2018 Blue Star Families Military Family Lifestyle Survey, military family respondents identified “financial issues/stress” as the top lifestyle stressor, with 13 percent reporting difficulty making ends meet.<sup>6</sup> This survey offers clear evidence of economic hardship experienced by military families who often face unique costs associated with the military lifestyle including frequent moves and high rates of spousal employment and underemployment. This proposed rule change will increase the hardship faced by military families already struggling with hunger by jeopardizing the SNAP benefit amount upon which these families depend if they move to an area with high utility costs. It is clear that the federal government should be doing more to help these military families meet their basic needs, rather than proposing changes that would curtail the modest nutrition assistance they might be receiving.

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<sup>3</sup> “Proposed USDA Rule Will Impact Washington Nutrition Assistance Program Benefits.” *KING 5 News*. Nov. 14, 2019.

<sup>4</sup> “Mass. Residents on Food Stamps Could See Benefits Halved Under Trump Administration’s New Proposal.” Nov. 15, 2019.

<sup>5</sup> “Tribal Energy Atlas.” *U.S. Department of Energy, Office of Indian Energy*.

<sup>6</sup> “2018 Blue Star Families Military Family Lifestyle Survey: Comprehensive Report,” *Blue Star Families*. February 2018.

## ***Seniors***

Seniors struggling with hunger are one of the least likely groups to access the benefits for which they qualify. Only two thirds of seniors who are eligible for SNAP receive those needed benefits. Instead of acting to remedy this disgraceful treatment of the aging population of America, USDA has proposed this rule change that will cut the benefits received for seniors across the country who need every dollar for nutritious food and medical care. USDA notes in their analysis that “a household with an elderly person living alone in Kentucky with the same circumstances as a similar household in Ohio would receive \$59 less per month in SNAP benefits, due only to differing HCSUA amounts.”<sup>7</sup> The USDA’s proposed solution of taking \$59 of lifesaving nutrition assistance away from one struggling senior to make the system more fair is as ludicrous as it is cruel.

## ***Rural Households***

Rural households, who already face heightened barriers to accessing the food they need, face the highest energy burdens of any household group in America and spend a much larger percentage of their income on energy bills than the average family.<sup>8</sup> Furthermore, those impacted by food insecurity are likely experiencing additional resource-related hardships, such as housing instability and energy insecurity. An emerging body of evidence demonstrates that SNAP supports housing stability and alleviates the painful trade-offs that families often are forced to make between food, health care, and other basic necessities.

With energy costs rising for Americans across the country,<sup>9</sup> this is an especially ill-timed proposal. Our government cannot effectively provide for the wellbeing of its citizens by attacking programs that provide critical support for people who struggle with hunger. As this proposed rule change would certainly harm those who are already struggling to feed themselves and their families, while limiting state flexibility and circumventing Congressional intent, USDA should not proceed with this method of standardizing SUA’s and the revision should be withdrawn.

Sincerely,



Abby J. Leibman  
President and CEO  
MAZON: A Jewish Response to Hunger

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<sup>7</sup> “Supplemental Nutrition Assistance Program: Standardization of State Heating and Cooling Standard Utility Allowances.” *U.S. Department of Agriculture*. October 3, 2019.

<sup>8</sup> “The High Cost of Energy in Rural America: Household Energy Burdens and Opportunities for Energy Efficiency.” *American Council for an Energy-Efficient Economy*. July 18, 2018.

<sup>9</sup> “Customer Spending on Electricity Expected to Increase This Summer,” *U.S. Energy Information Administration*. April 17, 2018.