

POLICY ESSAY

WHY AMERICA SHOULD SAVE SNAP

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The Supplemental Nutrition Assistance Program (“SNAP”) is a key element of our country’s response to poverty. It has been highly successful in alleviating hunger, lifting people out of poverty, and supporting our economy. The program is also operated in a highly efficient and effective manner, especially given its immense size and scope. Given this record, it is not surprising that, for most of its history, SNAP has enjoyed strong bipartisan support. However, in recent years, SNAP has come under sustained attack from the right. That attack now threatens the program’s very existence. In this paper, I argue that, for reasons of economic as well as social policy, Congress must resist attempts to destroy or diminish SNAP and should instead work to strengthen the program as much as possible.

I. INTRODUCTION

The Supplemental Nutrition Assistance Program (“SNAP”), formerly known as the Food Stamp Program, stands out as one of our country’s most successful anti-poverty programs. Over the past seventy-five years, successive programs have lifted millions out of poverty, buoyed our economy in difficult times, averted hunger and malnutrition for millions of children and seniors, and improved public health nationwide.

Yet SNAP lies under threat. In recent years, it has suffered cuts in both real and absolute terms. It still faces determined, intensely ideological opposition in Congress. As the influence of the right grows, this opposition is likely to intensify. In this Essay, I argue that SNAP is an effective and efficient program; that it has historically, and rightly, enjoyed bipartisan support; that arguments against it are fundamentally flawed because they are based on a misguided view of the causes of poverty; and that, ultimately, we must not let SNAP wither.

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II. BACKGROUND ON SNAP

A. What is SNAP?

SNAP is a means-tested federal program designed to enhance the ability of low-income households to buy nutritionally adequate food.¹ Responsibility for administering SNAP is split between the federal government and the states. Day-to-day operations are devolved to the states, which determine eligibility according to statute and U.S. Department of Agriculture regulations, and issue benefits. The federal government oversees state plans of operation,² funds the benefits,³ pays roughly half of each state's administrative costs,⁴ and certifies retail establishments to redeem benefits.⁵

According to the most recent available budget figures, spending on SNAP accounts for just over 2% of all federal spending.⁶ This limited spending represents a substantial investment in local communities.

Funding for SNAP is not automatic; Congress must periodically reauthorize it. Since 1973, that reauthorization has been included in the "Farm Bill," which is typically reauthorized every five years.⁷ The actual funds for the program, including the benefits, are provided in the annual appropriations bill for the Department of Agriculture.⁸ In recent years, as discussed in Section V below, this process of reauthorization has become the arena for an ideological battle over the future of the SNAP program.

In fiscal year 2014, the program distributed just over \$70 billion in benefits, down 8% from the previous year.⁹ Average monthly participation in the program was approximately \$46.5 million, down roughly 2.3% from 2013 levels.¹⁰ In all, around 21 million children (one in every four Ameri-

¹ *Supplemental Nutrition Assistance Program (SNAP)*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/supplemental-nutrition-assistance-program-snap> (last visited Mar. 7, 2015), archived at <http://perma.cc/UM4Y-JMK6>.

² 7 U.S.C. § 2020 (2012).

³ *Id.* § 2016.

⁴ *Id.* § 2025.

⁵ *Id.* § 2018; see also *Policy Basics: Introduction to the Supplemental Nutrition Assistance Program (SNAP)*, CTR. ON BUDGET AND POL'Y PRIORITIES (Jan. 8, 2015), <http://www.cbpp.org/cms/index.cfm?fa=view&id=2226>, archived at <http://perma.cc/E8BW-ERW6>.

⁶ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2015 tbls.1.1 & 11.3 (2014). Author's calculation using figures from 2014 federal spending.

⁷ RENÉE JOHNSON, CONG. RESEARCH SERV., RS22131, WHAT IS THE FARM BILL? 1 (2008); RANDY AUSSENBERG, CONG. RESEARCH SERV., R43332, SNAP AND RELATED NUTRITION PROVISIONS OF THE 2014 FARM BILL 1 (2014).

⁸ In recent years, appropriations have tended to be made as part of a single "omnibus" appropriations bill. See generally, e.g., Consolidated and Further Continuing Appropriations Act of 2015, Pub. L. No. 113-235, 128 Stat. 2130 (the omnibus bill for fiscal year 2015).

⁹ See FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND COSTS, 1969–2014 2 (2014).

¹⁰ *Id.*

cans under the age of 18) live in households served by SNAP.¹¹ Similarly, more than 9 million seniors and people with disabilities receive SNAP.¹²

SNAP is popular among the public in general. A poll in 2013 found that around three-quarters of Americans support it, and seven in ten say cutting SNAP would be the wrong way to reduce government spending.¹³ Both the number of people who benefit from SNAP's and its widespread popular support suggest that funding for the program should not be decreased.

B. Eligibility

Eligibility for SNAP is based on household income and resources.¹⁴ Net household income, after taking into account available exclusions and deductions, must not exceed 100% of the federal poverty level, which for 2015 is \$24,250 per year (\$2,020.83 per month) for a family of four.¹⁵ For households without disabled or elderly members, gross income (after exclusions but before deductions) must not exceed 130% of federal poverty.¹⁶ There are also limits on the assets a household may possess, the basic ceiling set at either \$2,250, or \$3,250 for a household with an elderly or disabled member.¹⁷

Households in which all members are eligible for Temporary Assistance to Needy Families ("TANF") cash assistance, Supplemental Security Income ("SSI"), or state General Assistance ("GA") programs automatically qualify for SNAP under the concept of "categorical eligibility."¹⁸ When it comes to eligibility for TANF-funded benefits, states have flexibility with regard to income rules.¹⁹ For example, some set income limits above the federal level.²⁰ Most states have chosen to expand SNAP eligibility in this way.²¹ Many pursue a policy of "broad-based" categorical eligibility, which

¹¹ Dorothy Rosenbaum & Brynne Keith-Jennings, *November 1 SNAP Cuts Will Affect Millions of Children, Seniors, and People With Disabilities*, CTR. ON BUDGET & POL'Y PRIORITIES (Oct. 24, 2013), <http://www.cbpp.org/cms/?fa=view&id=4036>, archived at <http://perma.cc/KPV3-A8Q7>.

¹² *Id.*

¹³ *Americans Continue to Voice Strong Support for SNAP and Strong Opposition to Cuts*, FOOD RESEARCH & ACTION CTR. (May 9, 2013), <http://frac.org/americans-continue-to-voice-strong-support-for-snap-and-strong-opposition-to-cuts/>, archived at <http://perma.cc/X2AH-PQVY>.

¹⁴ 7 U.S.C. § 2014 (2012).

¹⁵ *2015 Poverty Guidelines*, U.S. DEP'T OF HEALTH & HUMAN SERVS., <http://aspe.hhs.gov/poverty/15poverty.cfm> (last visited Mar. 7, 2015), archived at <http://perma.cc/2R67-R99N>.

¹⁶ *SNAP: Fact Sheet on Resources, Income, and Benefits*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/fact-sheet-resources-income-and-benefits> (last updated Oct. 3, 2014), archived at <http://perma.cc/W7ZS-B72Z>.

¹⁷ *Id.*

¹⁸ 7 U.S.C. § 2014(a) (2012).

¹⁹ See RANDY AUSSENBERG & GENE FALK, CONG. RESEARCH SERV., R42054, *THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP): CATEGORICAL ELIGIBILITY 6-7*, tbl.1 (2014).

²⁰ *Id.* at 6.

²¹ *Id.* at 7.

makes most households that qualify for non-cash TANF or maintenance of effort (“MOE”) benefits eligible for SNAP.²² Categorical eligibility, whether traditional or broad-based, reduces the administrative burden on states and on people in need of food assistance.²³

Conservative rhetoric often implies that recipients of SNAP and other benefits ought to be working, and would indeed have to work if they did not receive such (allegedly) generous benefits.²⁴ In fact, nearly two-thirds of SNAP recipients are children, elderly, or disabled people.²⁵ Among the other one-third are millions of households that qualify even though one or more members do work—partly because the current federal minimum wage,²⁶ which has not been raised since 2009,²⁷ leaves even a family of two (let alone three or more) below the federal poverty level.²⁸ In fiscal year 2013, 31.2% of SNAP participant households—7.1 million—had income from work.²⁹

C. SNAP Benefits

Maximum allotment levels are based on the Department of Agriculture’s Thrifty Food Plan (“TFP”), “a national standard for a nutritious diet at a minimal cost.”³⁰ The cost of the TFP food basket is revised monthly,³¹ but SNAP allotment levels change only once per year.³² The Department of Agriculture’s methodology for creating the TFP is complex, involving baskets for different age and gender groups and mathematical models including data on consumption, food prices, food composition, and dietary recommenda-

²² *Id.* at 6–7 tbl.1.

²³ *Id.* at 2.

²⁴ Arloc Sherman, Robert Greenstein & Kathy Ruffing, *Contrary to “Entitlement Society” Rhetoric, Over Nine-Tenths of Entitlement Benefits Go to Elderly, Disabled, or Working Households*, CTR. ON BUDGET & POL’Y PRIORITIES (Feb. 10, 2012), <http://www.cbpp.org/cms/?fa=view&id=3677>, archived at <http://perma.cc/MB3E-CDG2>.

²⁵ *Chart Book: SNAP Helps Struggling Families Put Food on the Table*, CTR. ON BUDGET & POL’Y PRIORITIES 14 (Jan. 8, 2015), <http://www.cbpp.org/files/3-13-12fa-chartbook.pdf>, archived at <http://perma.cc/8QEN-5JRW>.

²⁶ *What are the annual earnings for a full-time minimum wage worker?*, UC DAVIS CTR. FOR POVERTY RESEARCH, <http://poverty.ucdavis.edu/faq/what-are-annual-earnings-full-time-minimum-wage-worker> (last visited Mar. 7, 2015), archived at <http://perma.cc/2UN3-6J7M>.

²⁷ *History of Changes to the Minimum Wage Law*, U.S. DEP’T OF LABOR, <http://www.dol.gov/whd/minwage/coverage.htm> (last visited Mar. 7, 2015), archived at <http://perma.cc/KK78-TXPP>.

²⁸ *2015 Poverty Guidelines*, U.S. DEP’T OF HEALTH & HUMAN SERVS., <http://aspe.hhs.gov/poverty/15poverty.cfm> (last visited Mar. 7, 2015), archived at <http://perma.cc/2R67-R99N>.

²⁹ FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., Report No. SNAP-14-CHAR, CHARACTERISTICS OF SNAP HOUSEHOLDS: FISCAL YEAR 2013 18 tbl.3.3 (2014).

³⁰ CTR FOR NUTRITION POL’Y & PROMOTION, U.S. DEP’T OF AGRIC., THRIFTY FOOD PLAN, 2006 1 (2007), http://www.cnpp.usda.gov/sites/default/files/usda_food_plans_cost_of_food/TFP2006Report.pdf, archived at <http://perma.cc/Q4T8-ZM9S>.

³¹ See generally *USDA Food Plans: Cost of Food*, U.S. DEP’T OF AGRIC., <http://www.cnpp.usda.gov/USDAFoodPlansCostofFood/reports> (last visited Mar. 7, 2015), archived at <http://perma.cc/L7B3-65XL>.

³² 7 U.S.C. § 2012(u) (2012).

tions.³³ The TFP is based on data from 2001 to 2002, updated to current dollars using the Consumer Price Index.³⁴

The Food Research and Action Center (“FRAC”) has criticized the TFP as “impractical and inadequate.”³⁵ Participating families continue to struggle to purchase adequate food, even when using “a variety of savvy shopping practices to stretch their limited food dollars.”³⁶ FRAC found that the TFP includes impractical lists of foods, lacks the variety called for in the Dietary Guidelines for Americans,³⁷ and underestimates the amount of food that is wasted.³⁸ FRAC also demonstrated that the TFP makes unrealistic assumptions about the adequacy of available food preparation facilities and time, as well as the availability and affordability of food and transportation to get to the grocery store.³⁹ Ultimately, FRAC concluded that the TFP is, in practice, an inadequate diet, that it costs more than the SNAP allotment in many parts of the country, and that it ignores special dietary needs.⁴⁰

The basic value of SNAP to a household is the value of the TFP basket, as assessed by the Department of Agriculture, less 30% of household income (on the theory that a prudent household would spend 30% of its income on food).⁴¹ For example, a family of four with a net monthly income of \$1,000 would be eligible for the maximum allotment of \$649 minus \$300 (30% of net income) for a SNAP benefit allotment of \$349 for a full month.⁴²

Benefits were originally issued in the form of physical stamps or coupons.⁴³ Since 2004, all SNAP benefits have been issued on debit cards via Electronic Benefit Transfer (“EBT”).⁴⁴ This has improved the program’s ac-

³³ *Replacing the Thrifty Food Plan in Order to Provide Adequate Allotments for SNAP Beneficiaries*, FOOD RESEARCH & ACTION CTR. 2–3 (Dec. 2012), http://frac.org/pdf/thrifty_food_plan_2012.pdf, archived at <http://perma.cc/BT4N-ZSKC>.

³⁴ See, e.g., CTR FOR NUTRITION POL’Y & PROMOTION, U.S. DEP’T OF AGRIC., USDA FOOD PLANS: COST OF FOOD REPORT FOR DECEMBER 2014 (2015), http://www.cnpp.usda.gov/sites/default/files/CostofFoodDec2014_0.pdf, archived at <http://perma.cc/4LJD-G8B3>.

³⁵ *Replacing the Thrifty Food Plan*, supra note 33, at 9.

³⁶ *Id.* at 2.

³⁷ A set of guidelines issued by the Department of Health and Human Services to “encourage Americans to eat a healthful diet.” *Dietary Guidelines*, OFFICE OF DISEASE PREVENTION & HEALTH PROMOTION, <http://www.health.gov/dietaryguidelines/> (last visited Mar. 24, 2015), archived at <http://perma.cc/KB3S-KDRW>.

³⁸ *Replacing the Thrifty Food Plan*, supra note 33, at 2–3.

³⁹ *Id.*

⁴⁰ *Id.* at 3.

⁴¹ 7 U.S.C. § 2017 (2012).

⁴² See *id.*; *SNAP: How Much Could I Receive?*, U.S. DEP’T OF AGRIC. FOOD & NUTRITION SERV. (Sep. 24, 2014), <http://www.fns.usda.gov/snap/how-much-could-i-receive>, archived at <http://perma.cc/9LHS-T5Q4>.

⁴³ Bill Ganzel, *Farming in the 1950s & 60s: Food Stamps*, LIVING HISTORY FARM (2007), http://www.livinghistoryfarm.org/farminginthe50s/money_09.html, archived at <http://perma.cc/EES9-YQER>.

⁴⁴ *General Electronic Benefit transfer (EBT) Information*, U.S. DEP’T OF AGRIC. FOOD AND NUTRITION SERV. (Jan. 7, 2015), <http://www.fns.usda.gov/ebt/general-electronic-benefit-transfer-ebt-information>, archived at <http://perma.cc/S74Y-JTJS>.

curacy and resistance to fraud.⁴⁵ Additionally, because EBT cards are more discreet than paper coupons, they help recipients avoid embarrassment and stigma when purchasing food.⁴⁶ Some 250,000 stores, farmers' markets, and other retailers are authorized to accept benefits in all fifty states, the District of Columbia, the United States Virgin Islands, and Guam.⁴⁷

An important question to ask is whether the SNAP benefits levels are sufficient. For fiscal year 2015, the maximum benefit for a family of four is \$649 per month.⁴⁸ Assuming three meals per person per day, that works out to a maximum of just over \$1.80 per person per meal. By the second week of the month, the average participating household has spent 79% of their benefits,⁴⁹ contributing to a reliance on the nation's food banks in the second half of every month,⁵⁰ and perhaps even to a spike in cases of hospitalization among low-income people living with diabetes and other health conditions.⁵¹ Because allotments are uniform across the forty-eight contiguous states and the District of Columbia, and not adjusted to reflect differences in the cost of living, urban-dwelling recipients suffer disproportionately from benefit exhaustion.⁵² As is readily apparent from the preceding discussion, SNAP benefit levels are far from generous. In fact, they are not adequate to support needy families.

D. SNAP's Place in the Wider Social Safety Net

SNAP is a key part of America's social safety net. Created during the New Deal of the 1930s and the War on Poverty of the 1960s, the social safety net consists of a web of different programs. SNAP stands out from these as the only mandatory nutrition program based solely on household need.

⁴⁵ *Fraud*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (Apr. 16, 2014), <http://www.fns.usda.gov/fraud/what-snap-fraud>, archived at <http://perma.cc/RX59-EBCU>.

⁴⁶ Andrew Zekeri, *Assessing the Benefits and Problems Associated with the Use of Electronic Benefits Transfer for Food Stamps in Macon County, Alabama*, S. RURAL DEV. CTR. (1998), http://srdc.msstate.edu/ridge/projects/recipients/98_zekeri_final.pdf, archived at <http://perma.cc/NT7T-H5F9>.

⁴⁷ FOOD AND NUTRITION SERV., U.S. DEP'T OF AGRIC., SNAP RETAILER MANAGEMENT 2013 ANNUAL REPORT 2 (2013).

⁴⁸ *SNAP: How Much Could I Receive?*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (Sep. 24, 2014), <http://www.fns.usda.gov/snap/how-much-could-i-receive>, archived at <http://perma.cc/9LHS-T5Q4>.

⁴⁹ LAURA CASTNER & JULIETTE HENKE, OFFICE OF RESEARCH & ANALYSIS, U.S. DEP'T OF AGRIC., BENEFIT REDEMPTION PATTERNS IN THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM 31–33 (2011).

⁵⁰ MARK WINNE, *CLOSING THE FOOD GAP: RESETTling THE TABLE IN THE LAND OF PLENTY* 177 (Beacon Press, 2008).

⁵¹ Rob Waters, *New Study Reveals the Hidden Health Cost of Cutting Food Stamps*, FORBES (Jan. 6, 2014, 4:06 PM), <http://www.forbes.com/sites/robwaters/2014/01/06/new-study-reveals-the-hidden-health-cost-of-cutting-food-stamps/>, archived at <http://perma.cc/2BGR-NGR8>.

⁵² See generally Mark Nord & Ephraim Leibtag, *Is the "Cost of Enough Food" Lower in Rural Areas?* 35 REV. OF REGIONAL STUD. 291 (2005).

Some social safety net programs require participants to pay into the program, while others do not. SNAP is in the latter category. The economist Robert A. Moffitt breaks down the major federal social safety net programs into means-tested (non-pay-in) programs and social insurance (pay-in) programs.⁵³ Means-tested programs include Medicaid, the Earned-Income Tax Credit (“EITC”), the Child Tax Credit (“CTC”), Supplemental Security Income (“SSI”), Housing Aid, SNAP, Temporary Assistance to Needy Families (“TANF”), School Food Programs, Head Start, and the Special Supplemental Nutrition Program for Women, Infants and Children (“WIC”).⁵⁴ Social insurance (pay-in) programs include Old-Age Survivors Insurance (“OASI”), Medicare, the Social Security Disability Insurance Program (“DI”), Workers’ Compensation (“WC”), and Unemployment Insurance (“UI”).⁵⁵

Programs also vary in the type of benefits they provide, which may include, for example, healthcare, housing, or supplemental income. SNAP belongs to a subset of social safety net programs that aim to improve nutrition among low-income people who otherwise might not be able to afford healthy food.⁵⁶ Other programs in this category include the Special Supplemental Nutrition Program for Women, Infants, and Children (“WIC”), the Child Nutrition Programs (National School Lunch Program, School Breakfast Program, Child and Adult Care Food Program, USDA Fruit and Vegetable Program, and After-School Snacks and Supper), and the Elder Nutrition Program.⁵⁷

Finally, other nutrition programs differ from SNAP in their eligibility criteria as the majority of them are targeted at specific demographics within the overall group of low-income people, such as school children (the National School Lunch Program), seniors (the Senior Farmers’ Market Nutrition Program) or pregnant women, new mothers, and infants (“WIC”).⁵⁸

From this broad typology of programs, SNAP stands out as the only open-ended, mandatory federal nutrition program for which applicants qualify based solely on household income.⁵⁹ It is also by far the largest federal nutrition program, accounting for around three-quarters of all federal spending on food and nutrition assistance.⁶⁰

⁵³ See Robert Moffitt, *The Social Safety Net and the Great Recession*, STANFORD CTR. ON POVERTY & INEQUALITY 2 (Oct. 2012), http://web.stanford.edu/group/recessiontrends/cgi-bin/web/sites/all/themes/barron/pdf/SocialSafety_fact_sheet.pdf, archived at <http://perma.cc/WU7L-S6UK>.

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See *Programs and Services*, U.S. DEP’T OF AGRIC. FOOD & NUTRITION SERV. (Mar. 26, 2014), <http://www.fns.usda.gov/programs-and-services>, archived at <http://perma.cc/46CP-69LE>.

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ See *id.*

⁶⁰ OFFICE OF MGMT. & BUDGET, EXEC. OFFICE OF THE PRESIDENT, BUDGET OF THE UNITED STATES GOVERNMENT, FISCAL YEAR 2015 tbl.11.3 (2014).

III. LEGISLATIVE HISTORY OF FSP AND SNAP, 1939-2008

Before turning to the current challenges facing SNAP, it is instructive to survey the expansion and contraction of the Food Stamp Program over the past seventy-five years and the various motivations and interests that lay behind each successive iteration.

It is important to realize, at the outset, that hunger in America is not confined to the inner cities or rural Appalachia; it is everywhere.⁶¹ It is a persistent problem, with which successive generations of political figures have grappled. The following history details those efforts. As discussed in the following section, prior to 2008, SNAP often enjoyed widespread, bipartisan support. Only more recently has that bedrock of support come under serious challenge, precipitating the existential threats now facing SNAP.

A. FDR and the New Deal

The Great Depression created deprivation on a scale never before seen in our country. In the cities, breadlines snaked around city blocks and soup kitchens struggled to keep up with need.⁶² The countryside experienced similar grinding poverty, documented by the powerful photography of Dorothea Lange.⁶³ Shantytowns (sardonically called “Hoovervilles” after Herbert C. Hoover, the Republican, pro-business President who presided over the economic crisis) sprung up all over America.⁶⁴ Meanwhile, “dust bowl” conditions made life immeasurably worse all over the rural Midwest.⁶⁵

By the 1930s, American farming was close to collapse. Globalization, combined with years of economic depression, had created massive crop surpluses and brought farm incomes crashing.⁶⁶ President Franklin D. Roosevelt set out to rescue the industry. In his second inaugural address, Franklin Roosevelt said, “[t]he test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for

⁶¹ *Map the Meal Gap*, FEEDING AMERICA, http://www.feedingamerica.org/hunger-in-america/our-research/map-the-meal-gap/?_ga=1.196054250.734884334.1424901495 (last visited Apr. 6, 2015), archived at <http://perma.cc/4U4Y-92M3>.

⁶² Steven Mintz & Sara McNeil, *The Human Toll*, UNIV. OF HOUSTON DIGITAL HISTORY, http://www.digitalhistory.uh.edu/disp_textbook.cfm?smtID=2&psid=3434 (last visited Mar. 11, 2015), archived at <http://perma.cc/WW3T-MBZC>.

⁶³ *Dorothea Lange*, MUSEUM OF MODERN ART, http://www.moma.org/collection/artist.php?artist_id=3373 (last visited Mar. 11, 2015), archived at <http://perma.cc/NTC3-C3ZF>.

⁶⁴ James Gregory, *The Great Depression in Washington State Project: Hoovervilles and Homelessness*, UNIV. OF WASH., <http://depts.washington.edu/depress/hooverville.shtml> (last visited Mar. 11, 2015), archived at <http://perma.cc/2NHU-FFWD>.

⁶⁵ *The Dust Bowl*, LIBRARY OF CONG., <http://www.loc.gov/teachers/classroommaterials/presentationsandactivities/presentations/timeline/depwwii/dustbowl/> (last visited Mar. 11, 2015), archived at <http://perma.cc/Q48J-FY3F>.

⁶⁶ See Jason Henderson, Brent Gloy & Michael Boehlje, *Agriculture’s Boom-Bust Cycles: Is This Time Different?*, Q4 FED. RES. BANK OF KAN. CITY ECON. REV. 83 (2011), available at <http://www.kansascityfed.org/publicat/econrev/pdf/11q4hendersongloyboehlje.pdf>, archived at <http://perma.cc/X5QA-CSFY>.

those who have too little.”⁶⁷ That could be taken as a mission statement for Roosevelt’s signature domestic policy achievement, the New Deal.

Upon coming into office in 1933, Roosevelt set up the Agricultural Adjustment Administration and began paying farmers to plough under surplus crops and destroy surplus livestock.⁶⁸ Naturally, this plan was met with opposition from millions of unemployed, hungry Americans, who objected to seeing good food go to waste in the name of increasing prices.⁶⁹ Based on these objections, the Administration rapidly adjusted its priorities. As Milo Perkins, later the first Administrator of the Food Stamp Program famously put it, “[w]e got a picture of a gorge, with farm surpluses on one cliff and under-nourished city folks with outstretched hands on the other. We set out to find a practical way to build a bridge across that chasm.”⁷⁰

A second plan involved setting up a new government system, the Federal Surplus Relief Corporation, to purchase surplus food and distribute it directly to those in need.⁷¹ That satisfied the poor and farmers. But it drew criticism from the retail sector because it bypassed the regular commercial channels for distributing food.⁷²

The first Food Stamp Program was inaugurated in 1939 in a handful of “stamp towns.”⁷³ Citizens receiving benefits could buy booklets of orange stamps, to be redeemed in grocery stores for food and other essentials, with few exceptions. For every dollar of orange stamps purchased, beneficiaries received fifty cents’ worth of blue stamps, which could be exchanged for food declared surplus by the Department of Agriculture.⁷⁴

This system appears to have worked for retailers, as well as farmers and the hungry. In the first few months of the new plan, grocery store receipts in the “stamp towns” increased an average of 15%.⁷⁵ Eventually, the program was expanded to cover nearly half of all counties in the United States, with a peak participation of around 20 million people.⁷⁶

⁶⁷ Franklin Delano Roosevelt, Second Inaugural Address (Jan. 20, 1937) (transcript available at <http://www.bartleby.com/124/pres50.html>, archived at <http://perma.cc/PJ3U-VKG5>).

⁶⁸ Caitlin Rathe, *The right’s food stamp embarrassment: A history lesson for the haters*, SALON (Sept. 1, 2014, 3:00 PM), http://www.salon.com/2014/09/01/the_rights_food_stamp_embarrassment_a_history_lesson_for_the_haters/, archived at <http://perma.cc/GM6C-SKP5>.

⁶⁹ *Id.*

⁷⁰ *Supplemental Nutrition Assistance Program (SNAP): A Short History of SNAP*, U.S. DEPT OF AGRIC. FOOD & NUTRITION SERV. (Nov. 20, 2014), <http://www.fns.usda.gov/snap/short-history-snap>, archived at <http://perma.cc/YZ9Q-V9Y8>.

⁷¹ Dennis Roth, *Food Stamps: 1932-1977: From Provisional and Pilot Programs to Permanent Policy*, U.S. DEPT OF AGRIC. RURAL INFO. CTR., <http://www.nal.usda.gov/ric/ricpubs/foodstamps.htm> (last visited Mar. 6, 2015), archived at <http://perma.cc/2TBZ-UR8F>.

⁷² Rathe, *supra* note 68.

⁷³ *Id.*

⁷⁴ *A Short History of SNAP*, *supra* note 70.

⁷⁵ Caitlin Rathe, *The right’s food stamp embarrassment: A history lesson for the haters*, SALON (Sept. 1, 2014, 3:00 PM), http://www.salon.com/2014/09/01/the_rights_food_stamp_embarrassment_a_history_lesson_for_the_haters/, archived at <http://perma.cc/GM6C-SKP5>.

⁷⁶ *Supplemental Nutrition Assistance Program (SNAP): A Short History of SNAP*, U.S. DEPT OF AGRIC. FOOD & NUTRITION SERV. (Nov. 20, 2014), <http://www.fns.usda.gov/snap/short-history-snap>, archived at <http://perma.cc/YZ9Q-V9Y8>.

In 1943, the program was disbanded. In view of the success of the New Deal and the advent of the war economy, which employed untold millions of Americans in weapons manufacturing, food stamps were seen as no longer necessary.⁷⁷

B. Eisenhower

The problem of hunger did not disappear in the 1940s and 1950s, of course. But, unfortunately, the booming economy of the time masked it from public view. Sadly, this allowed the Eisenhower Administration to ignore the problem.⁷⁸

During the 1950s, some voices in the Congress did support reintroducing a food stamp program. In 1959, Representative Leonor Sullivan (D-Mo.) was able to attach an amendment to the Agricultural Trade Development and Assistance Act authorizing the Secretary of Agriculture to establish a food purchasing program, and appropriating \$250 million per year for the purpose.⁷⁹

However, the Eisenhower Administration declined to exercise this option. In a signing statement, President Eisenhower raised what has become a familiar conservative objection to SNAP and to federal nutrition programs in general:

Needy people received Federal surplus foods last year by direct distribution through State and local facilities. If implemented, this authority would simply replace the existing distribution system with a Federally financed system, further increasing the already disproportionate Federal share of welfare expenses. The food stamp administrative mechanism would be much more complex, and it is extremely doubtful that it would provide any greater benefit to needy people than the present direct method.⁸⁰

⁷⁷ Dennis Roth, *Food Stamps: 1932-1977: From Provisional and Pilot Programs to Permanent Policy*, U.S. DEP'T OF AGRIC. RURAL INFO. CTR., <http://www.nal.usda.gov/ric/ricpubs/foodstamps.htm> (last visited Mar. 6, 2015), archived at <http://perma.cc/2TBZ-UR8F>.

⁷⁸ Doug O'Brien et. al, *Hunger in America: The Definitions, Scope, Causes, History and Status of the Problem of Hunger in the United States*, CONG. HUNGER CTR. 5-6 (2004), <http://hungercenter.wpengine.netdna-cdn.com/wp-content/uploads/2012/10/Hunger-in-America-Americas-Second-Harvest.pdf>, archived at <http://perma.cc/9B6K-Y2G3>.

⁷⁹ Agricultural Trade Development Act, Pub. L. No. 86-341, 73 Stat. 608 (codified as amended in scattered sections of 7 U.S.C.).

⁸⁰ Dwight D. Eisenhower, Statement by the President Upon Signing Bill Extending the Agricultural Trade Development and Assistance Act of 1954 (Sept. 21, 1959) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=11519>, archived at <http://perma.cc/Y34W-JDJP>).

C. Kennedy

The Kennedy Administration tackled the problem of hunger with greater vigor. In the 1960 Democratic presidential primary, one key battleground was the state of West Virginia.⁸¹ Then-Senator John F. Kennedy (D-Mass.) was deeply moved by the poverty he saw there during the campaign. As his speechwriter, Ted Sorensen, later put it:

He was appalled by the pitiful conditions he saw, by the children of poverty, by the families living on surplus lard and corn meal, by the waste of human resources . . . He called for better housing and better schools and better food distribution . . . He held up a skimpy surplus food package and cited real-life cases of distress.⁸²

Kennedy later cited the problem of hunger in the opening statement of his first presidential debate against Richard Nixon:

I'm not satisfied, when we have over \$9 billion dollars' worth of food, some of it rotting even though there is a hungry world and even though 4 million Americans wait every month for a food package from the Government, which averages 5 cents a day per individual. I saw cases in West Virginia, here in the United States, where children took home part of their school lunch in order to feed their families because I don't think we're meeting our obligations toward these Americans.⁸³

Shortly after the general election, American public opinion on poverty and hunger became galvanized when CBS Evening News aired, the day after Thanksgiving, an hour-long documentary about migrant workers, narrated by Edward R. Murrow, called "Harvest of Shame." It showed in detail the squalid conditions in which its subjects lived.⁸⁴

Less than two months later, on the day after his inauguration, President Kennedy used his first Executive Order to note that "one of the most important and urgent problems confronting this Nation today is the development of a positive food and nutrition program for all Americans . . . despite an abundance of food, farm income has been in a period of decline, and a

⁸¹ Bill Ganzel, *Farming in the 1950s & 60s: Food Stamps*, LIVING HISTORY FARM (2007), http://www.livinghistoryfarm.org/farminginthe50s/money_09.html, archived at <http://perma.cc/EES9-YQER>.

⁸² *Id.* (quoting THEODORE SORESENEN, KENNEDY 140–41 (1965)).

⁸³ John F. Kennedy, Senator, Opening Statement, First Presidential Candidate Debate (Sept. 26, 1960) (transcript available at <http://www.americanrhetoric.com/speeches/jfkopeningstatementnixondebate1.htm>, archived at <http://perma.cc/Y4MR-5XFA>).

⁸⁴ Elizabeth Blair, *In Confronting Poverty, 'Harvest Of Shame' Reaped Praise And Criticism*, NAT'L PUB. RADIO (May 31, 2014), <http://www.npr.org/2014/05/31/317364146/in-confronting-poverty-harvest-of-shame-reaped-praise-and-criticism>, archived at <http://perma.cc/R8Z-NFUR>.

strengthening of farm prices is desirable.”⁸⁵ The Order directed the Secretary of Agriculture to “make available for distribution, through appropriate State and local agencies, to all needy families a greater variety and quantity of food out of our agricultural abundance.”⁸⁶

On February 2, Kennedy announced the details of his pilot program.⁸⁷ The participants were required to use a sum of money equal to their usual food expenditures to buy stamps of greater value.⁸⁸ The pilot eventually extended to some forty counties, plus the cities of Detroit, St. Louis, and Pittsburgh.⁸⁹ President Johnson later praised its effectiveness across several fronts:

Today nearly 6 million people enjoy a better share of our food abundance through this program For 3 years we have conducted pilot operations for the food stamp program in both urban and rural areas. These tests have exceeded our best expectations. They have raised the diets of low-income families substantially while strengthening markets for the farmer and immeasurably improving the volume of retail food sales.⁹⁰

D. Johnson and the War on Poverty

President Lyndon B. Johnson was just as moved by the plight of poor Americans as his contemporaries. Unlike many of them, he had experienced such poverty firsthand growing up, and he had seen it among the students he taught as a teacher in the public schools of rural Texas. In his first State of the Union address, in January 1964, he famously declared “unconditional war on poverty in America.” Among other things, he told Congress, “[w]e must distribute more food to the needy through a broader food stamp program.”⁹¹ On August 31, 1964, following a fair amount of congressional

⁸⁵ Exec. Order No. 10,914, 3 C.F.R. 81 (1962), available at <http://www.presidency.ucsb.edu/ws/?pid=58853>, archived at <http://perma.cc/U2DV-XCTJ>.

⁸⁶ *Id.*

⁸⁷ Dennis Roth, *Food Stamps: 1932-1977: From Provisional and Pilot Programs to Permanent Policy*, U.S. DEP’T OF AGRIC. RURAL INFO. CTR., <http://www.nal.usda.gov/ric/ricpubs/foodstamps.htm>, archived at <http://perma.cc/GRX4-ESFC> (last visited Mar. 6, 2015).

⁸⁸ *Id.*

⁸⁹ *Supplemental Nutrition Assistance Program (SNAP): A Short History of SNAP*, U.S. DEP’T OF AGRIC. FOOD & NUTRITION SERV. (Nov. 20, 2014), <http://www.fns.usda.gov/snap/short-history-snap>, archived at <http://perma.cc/YZ9Q-V9Y8>.

⁹⁰ Lyndon B. Johnson, Remarks Upon Signing the Food Stamp Act (Aug. 31, 1964) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=26472>, archived at <http://perma.cc/4PQL-PU4G>).

⁹¹ Lyndon B. Johnson, Annual Message to the Congress on the State of the Union (Jan. 8, 1964) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=26787>, archived at <http://perma.cc/CS8D-G5FJ>).

wrangling, President Johnson signed the Food Stamp Act.⁹² In his signing statement, Johnson highlighted the economic as well as the social benefits:

I believe the Food Stamp Act weds the best of the humanitarian instincts of the American people with the best of the free enterprise system. Instead of establishing a duplicate public system to distribute food surplus to the needy, this act permits us to use our highly efficient commercial food distribution system.⁹³

According to its long title, the legislation created a “cooperative Federal-State program of food assistance to be operated through normal channels of trade.”⁹⁴ It authorized the Secretary of Agriculture to “formulate and administer a food stamp program” under which, “at the request of an appropriate State agency,” benefits would be extended to eligible households within that State.⁹⁵ States were responsible for determining the eligibility of households and issuing the stamps,⁹⁶ while the federal government would fund the benefits and approve stores to accept the coupons.⁹⁷ Funds were appropriated through June 1967, capped at \$200 million for 1966-1967.⁹⁸

Eligible households were still required to purchase the stamps. In exchange for a sum “equivalent to their normal expenditures for food,” they received a coupon allotment of “greater monetary value.”⁹⁹ But the connection to food deemed surplus was broken; the coupons could be exchanged for any food, barring alcohol, tobacco, and imported food.¹⁰⁰ As the new program expanded across the country, participation rates ballooned from 561,261 in April of 1965 to four million in February of 1970 and fifteen million in October of 1974.¹⁰¹

⁹² Food Stamp Act of 1964, Pub. L. No. 88-525, 78 Stat. 704 (1964) (codified as amended in 7 U.S.C. § 51).

⁹³ Lyndon B. Johnson, Remarks Upon Signing the Food Stamp Act (Aug. 31, 1964) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=26472>, archived at <http://perma.cc/4PQL-PU4G>).

⁹⁴ Food Stamp Act of 1964, Pub. L. No. 88-525, 78 Stat. 704 (1964) (codified as amended in 7 U.S.C. § 51).

⁹⁵ *Id.*, § 4(a).

⁹⁶ Food Stamp Act of 1964, Pub. L. No. 88-525, §§ 5(b), 7(a), 10(b), 78 Stat. 704 (codified as amended in 7 U.S.C. § 51).

⁹⁷ Food Stamp Act of 1964, Pub. L. No. 88-525, §§ 4(a), 8, 78 Stat. 704 (codified as amended in 7 U.S.C. § 51).

⁹⁸ Food Stamp Act of 1964, Pub. L. No. 88-525, § 16, 78 Stat. 704 (codified as amended in 7 U.S.C. § 51).

⁹⁹ Food Stamp Act of 1964, Pub. L. No. 88-525, §§ 4(a), 7(b), 78 Stat. 704 (codified as amended in 7 U.S.C. § 51).

¹⁰⁰ Food Stamp Act of 1964, Pub. L. No. 88-525, § 3(b), 78 Stat. 704 (codified as amended in 7 U.S.C. § 51).

¹⁰¹ *A Short History of SNAP*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/short-history-snap> (last visited Mar. 7, 2015), archived at <http://perma.cc/58HA-F2E2>.

E. *Expansion under Nixon and Carter*

In the years following passage of the 1964 Act, despite growing geographic coverage and numbers of recipients, political and public opinion began to coalesce around the idea that Food Stamps and other federal programs were not doing enough to alleviate hunger. This would eventually lead to significant expansion in the program, initiated under a Republican president.

In 1967, a Senate subcommittee and a separate team of doctors traveled to rural Mississippi to examine the workings of the food system there. Both groups found widespread hunger and malnutrition.¹⁰² The following year, a Citizens Board of Inquiry, made up of medical and other professionals, issued a report detailing the increasing severity of the problem and concluding that federal efforts to address it had failed.¹⁰³ In May of that year, another CBS documentary, *Hunger in America*, brought the issue to national attention.¹⁰⁴

Anti-hunger advocates may have viewed with dismay the election of Richard Nixon, who (for his time) was an arch-conservative. In his speech accepting the Republican nomination, Nixon had railed against what he called a “deluge” of government programs for the unemployed, urban areas and the poor.¹⁰⁵ However, shortly after his inauguration, the new President gave remarks at the U.S. Department of Agriculture in which he identified as one of the Department’s major functions “the battle against hunger as it relates to poverty.”¹⁰⁶ Three months later, Nixon transmitted a message to Congress promising draft legislation that would, among other things, “provide poor families enough food stamps to purchase a nutritionally complete diet[,] . . . provide food stamps at no cost to those in the very lowest income brackets[, and] . . . provide food stamps to others at a cost of no greater than 30% of income.”¹⁰⁷

Following a good deal of debate, both within the Administration and in Congress,¹⁰⁸ in 1971 the President signed legislation that accomplished a number of these goals. It required that allotments be equal to “the cost of a

¹⁰² Dennis Roth, *Food Stamps: 1932-1977: From Provisional and Pilot Programs to Permanent Policy*, U.S. DEPT OF AGRIC. ECON. RESEARCH SERV., <http://www.nal.usda.gov/ric/ricpubs/foodstamps.htm> (last visited Mar. 7, 2015), *archived at* <http://perma.cc/X46W-WGAS>.

¹⁰³ See generally Hunger, U.S.A.: A Report by the Citizens’ Board of Inquiry into Hunger and Malnutrition in the United States (1968).

¹⁰⁴ *Hunger in America* (CBS television broadcast May 1968), <http://www.peabodyawards.com/award-profile/cbs-reports-hunger-in-america>, *archived at* <http://perma.cc/6TG8-MJAX>.

¹⁰⁵ Richard Nixon, Address Accepting the Presidential Nomination at the Republican National Convention in Miami Beach, Fla. (Aug. 8, 1968) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=25968>, *archived at* <http://perma.cc/A24A-SH4L>).

¹⁰⁶ Richard Nixon, Remarks to Employees at the Department of Agriculture (Feb. 3, 1969) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=2086>, *archived at* <http://perma.cc/45L7-WRXX>).

¹⁰⁷ Richard Nixon, Special Message to the Congress Recommending a Program To End Hunger in America (May 6, 1969) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=2038>, *archived at* <http://perma.cc/MV7H-WKL7>).

¹⁰⁸ Roth, *supra* note 87.

nutritionally adequate diet,”¹⁰⁹ capped the purchase price of stamps at 30% of the recipient household’s income,¹¹⁰ and established uniform national eligibility standards.¹¹¹

The 1971 legislation also introduced the concept of “categorical eligibility,” under which households receiving other forms of public assistance were automatically eligible for food stamp benefits.¹¹² This form of eligibility was removed in 1977, but gradually reinstated between 1982 and 1990.¹¹³ Categorical eligibility remains in place today. Indeed, all but a handful of states have expanded the scope of categorical eligibility beyond its traditional limits.¹¹⁴

The Farm Bill of 1973¹¹⁵ mandated the rollout of the food stamp program nationwide by the middle of 1974.¹¹⁶ The legislation also, among other things, extended the Food Stamp Program to drug addicts and alcoholics in rehab;¹¹⁷ tightened household eligibility standards by expanding the definition of income;¹¹⁸ required that allotments be issued at least twice per month;¹¹⁹ and added food-producing seeds and plants to the list of eligible food purchases.¹²⁰

Further major changes came in 1977, with the Food Stamp Act of that year.¹²¹ Chief among the amendments was the elimination of one of the main barriers to participation—the requirement that participants purchase their stamps.¹²² When the elimination of the purchase requirement took effect in January of 1979, the program gained 1.5 million participants in one month.¹²³ The 1977 legislation also eliminated categorical eligibility (which, however, was soon restored); relaxed the eligibility tests (by, for example, establishing

¹⁰⁹ Food Stamp Act, Pub. L. No. 91-671, § 5, 84 Stat. 2048 (1971) (amending sec. 7(a) of the Food Stamp Act of 1964).

¹¹⁰ *Id.*

¹¹¹ Food Stamp Act, Pub. L. No. 91-671, § 4, 84 Stat. 2048 (1971) (amending sec. 7(a) of the Food Stamp Act of 1964).

¹¹² Food Stamp Act, Pub. L. No. 91-671, § 6(a), 84 Stat. 2048 (1971) (amending sec. 7(a) of the Food Stamp Act of 1964).

¹¹³ GENE FALK & RANDY A. AUSSENBERG, CONG. RESEARCH SERV., R42054, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP): CATEGORICAL ELIGIBILITY 2–3 (2014).

¹¹⁴ *Id.* at 5–6.

¹¹⁵ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, 87 Stat. 221.

¹¹⁶ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, § 3(i), 87 Stat. 221.

¹¹⁷ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, § 3(f), 87 Stat. 221.

¹¹⁸ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, § 3(g), 87 Stat. 221.

¹¹⁹ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, § 3(i), 87 Stat. 221.

¹²⁰ Agriculture and Consumer Protection Act of 1973, Pub. L. No. 93-86, § 3(l), 87 Stat. 221.

¹²¹ Food and Agriculture Act of 1977, Pub. L. No. 95-113, 91 Stat. 913.

¹²² Food and Agriculture Act of 1977, Pub. L. No. 95-113, § 7, 91 Stat. 913.

¹²³ *A Short History of SNAP*, U.S. DEP’T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/short-history-snap> (last visited Mar. 7, 2015), archived at <http://perma.cc/58HA-F2E2>.

a uniform income ceiling at the federal poverty line; creating ten categories of excluded income; creating a standard deduction and several specific deductions; and raising the maximum value of fixed household assets);¹²⁴ introduced disqualifications for fraud and refusal to work;¹²⁵ required states to conduct outreach to low-income households and provide bilingual paperwork and personnel;¹²⁶ and established the right to same-day filing of applications and a thirty-day maximum processing time.¹²⁷

The 1977 legislation was a bipartisan achievement, shepherded through the Senate by Senators George McGovern, Jacob Javits, Ernest Hollings, and Bob Dole, who had served together on the Senate Select Committee on Nutrition.¹²⁸ It comprised provisions designed to appeal to both parties and was contained in a bill that balanced food stamps for the urban poor with assistance to rural communities in the form of farm subsidies.¹²⁹

Looking back on this period years later, Senator Dole said in the Senate chamber:

Senator Hollings was in the forefront of that effort. He remembers how bad it was, in South Carolina. And so we worked together on food stamps and the WIC program and the school lunch program, particularly when it affected low-income Americans. And I think, as I look at it, no first-class democracy can treat its people like second-class citizens.¹³⁰

To many working in the charged, partisan atmosphere of Congress today, it will seem incredible that such a quote could come from a Republican. Support for food stamps in the 1970s was bipartisan. However, it was not universal. In particular, the recession that began in 1973 brought an explosion in food stamp recipients, who numbered almost 20 million by mid-1975.¹³¹ As Dennis Roth of the U.S. Department of Agriculture puts it:

Many Americans became personally aware of the program as they watched recipients cash in their stamps at grocery stores. Congressional representatives started getting protest letters from constituents who wondered why people with food stamps were sometimes

¹²⁴ Food and Agriculture Act of 1977, Pub. L. No. 95-113, §§ 5(c), 5(d), 5(e), 5(g), 91 Stat. 913.

¹²⁵ Food and Agriculture Act of 1977, Pub. L. No. 95-113, § 6, 91 Stat. 913.

¹²⁶ Food and Agriculture Act of 1977, Pub. L. No. 95-113, § 11(e)(1), 91 Stat. 913.

¹²⁷ Food and Agriculture Act of 1977, Pub. L. No. 95-113, §§ 11(e)(2), 11(e)(3), 91 Stat. 913. However, a number of studies have found that a disturbingly high proportion of SNAP offices appear not to be respecting this right. See *Access and Access Barriers to Getting Food Stamps: A Review of the Literature*, FOOD RESEARCH & ACTION CTR. 35-36 (Feb. 2008), <http://frac.org/wp-content/uploads/2009/09/ftpaccess.pdf>, archived at <http://perma.cc/S3U6-K3HM>.

¹²⁸ *A Short History of SNAP*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/short-history-snap> (last visited Mar. 7, 2015), archived at <http://perma.cc/58HA-F2E2>.

¹²⁹ Roth, *supra* note 87.

¹³⁰ 104 CONG. REC. H6133 (daily ed. June 11, 1996) (statement of Sen. Dole).

¹³¹ Roth, *supra* note 87.

buying better food than they. Newspapers printed articles about fraud and abuse and overly generous eligibility standards. Senator Jesse Helms (R-N.C.), chairman of the Senate Agriculture Committee, was critical of the program, often citing an “advertisement” that had appeared in *Parade Magazine* that invited people to apply for food stamps because it was so easy.¹³²

Throughout the 1970s, supporters of the Food Stamp Program in Congress were able to forestall attempts by the Ford Administration and others to cut the program. The next decade would not be as kind.

F. Cuts, then Resurgence, under Reagan

Ronald Reagan made his feelings about the social safety net known as early as his “A Time For Choosing” speech, first delivered in 1964, in which he juxtaposed “our freedoms” against “the soup kitchen of the welfare state” and characterized spending on benefits as generally wasteful and ineffective.¹³³ As a candidate in the 1976 New Hampshire Republican presidential primary, Reagan frequently referred to the story of Linda Taylor, a woman who was eventually convicted of benefit fraud.¹³⁴ The derogatory term “Welfare Queen,” popularized during this campaign, captured the essence of Reagan’s deeply misleading insistence on equating poverty and receipt of benefits with laziness and criminality.¹³⁵

Speaking to Congress shortly after his inauguration, Reagan promised to “save \$1.8 billion [from the Food Stamp Program] in fiscal year 1982 by removing from eligibility those who are not in real need or who are abusing the program.”¹³⁶ In due course, the federal budgets for fiscal years 1982 and 1983 enacted sweeping cuts. Those budgets,¹³⁷ among other things, provided for annual (instead of biannual) adjustments to the value of allotments and standard deductions;¹³⁸ added a gross income ceiling to the eligibility tests,

¹³² *Id.*

¹³³ Ronald Reagan, A Time For Choosing (Oct. 27, 1964) (transcript available at <http://www.reagan.utexas.edu/archives/references/timechoosing.html>, archived at <http://perma.cc/5CLR-EXDL>).

¹³⁴ *Welfare Queen Becomes Issue in Reagan Campaign*, N.Y. TIMES, Feb. 15, 1976, at 51; Josh Levin, *The Welfare Queen*, SLATE (Dec. 19, 2013), http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html, archived at <http://perma.cc/J2Y3-76YC>.

¹³⁵ See Levin, *supra* note 134.

¹³⁶ Ronald Reagan, Address Before a Joint Session of the Congress on the Program for Economic Recovery (Feb. 18, 1981) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=43425>, archived at <http://perma.cc/9ETK-9MWX>).

¹³⁷ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, 95 Stat. 357; Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, 96 Stat. 763.

¹³⁸ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, §§ 103, 105, 95 Stat. 357 (amending secs. 3(o), 5(e) of the Food and Agriculture Act of 1977).

in addition to the net income ceiling;¹³⁹ reduced the earned income exemption;¹⁴⁰ abolished outreach requirements and prohibited states from using federal funds to conduct outreach;¹⁴¹ extended the disqualification periods for fraud, misrepresentation,¹⁴² and those who voluntarily quit jobs;¹⁴³ converted Puerto Rico's food stamp program into a block grant;¹⁴⁴ began rounding allotments and deductions down;¹⁴⁵ allowed states to require applicants (as well as recipients) to look for a job, and required parents and caretakers of children to comply with job search requirements;¹⁴⁶ and introduced financial incentives for states to reduce their error rates.¹⁴⁷

Even as it enacted these restrictions, however, Congress was not blind to increasing poverty. Section 191(2) of the 1982 Act attached a "sense of the Congress" finding that "rising unemployment, decreasing appropriations for social services, and increasingly adverse economic conditions have all contributed to produce hunger and want on a scale not experienced since the time of the Great Depression."¹⁴⁸

No reliable data yet existed to document the precise scale of this problem.¹⁴⁹ But the President shared the sense of Congress that something was wrong. In August of 1983, he wrote to his senior domestic policy adviser, Edwin Meese (who would later court controversy by claiming that some people were going to soup kitchens "voluntarily. . . . because the food is free and that's easier than paying for it")¹⁵⁰:

I have seen reports in the press in past weeks of Americans going hungry. I am deeply concerned by these stories, because I know the suffering that each of these incidents represents. At the same time, I admit to being perplexed by these accounts because, the

¹³⁹ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, § 104, 95 Stat. 357 (amending sec. 5 of the Food and Agriculture Act of 1977).

¹⁴⁰ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, § 106, 95 Stat. 357 (amending sec. 5(e) of the Food and Agriculture Act of 1977).

¹⁴¹ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, § 111, 95 Stat. 357 (amending sec. 11(e)(1) of the Food and Agriculture Act of 1977).

¹⁴² Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, § 112, 95 Stat. 357 (amending sec. 6(b) of the Food and Agriculture Act of 1977).

¹⁴³ Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, § 158, 96 Stat. 763 (amending sec. 6(d) of the Food and Agriculture Act of 1977).

¹⁴⁴ Omnibus Budget Reconciliation Act of 1981, Pub. L. No. 97-35, § 116, 95 Stat. 357 (adding new sec. 19 to the Food and Agriculture Act of 1977).

¹⁴⁵ Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, § 143, 96 Stat. 763 (amending secs. 3(o), 5(e) of the Food and Agriculture Act of 1977).

¹⁴⁶ Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, §§ 157, 159, 96 Stat. 763 (amending sec. 6(d) of the Food and Agriculture Act of 1977).

¹⁴⁷ Omnibus Budget Reconciliation Act of 1982, Pub. L. No. 97-253, § 180, 96 Stat. 763 (amending sec. 16 of the Food and Agriculture Act of 1977).

¹⁴⁸ Pub. L. No. 97-253, §191, 96 Stat. 787 (1982).

¹⁴⁹ NATIONAL RESEARCH COUNCIL, FOOD INSECURITY AND HUNGER IN THE UNITED STATES: AN ASSESSMENT OF THE MEASURE 23 (Gooloo S. Wunderlich & Janet L. Norwood eds., 2006).

¹⁵⁰ Robert D. McFadden, *Comments by Meese on Hunger Produce a Storm of Controversy*, N.Y. TIMES, Dec. 10, 1983, at 3d.

fact is, federal law guarantees that every poor person with an income at or below 130% of the poverty level is eligible to receive free food stamps.¹⁵¹

Reagan established a Task Force on Food Assistance, and charged it with analyzing food assistance programs and making recommendations for their improvement.¹⁵² The media at the time reported that the Task Force found it “at present impossible to estimate the extent of . . . hunger with any reasonable degree of objectivity,” but found “beyond doubt that there has been a large increase in the number of privately organized and operated food assistance outlets and an increase in the number of people who seek help from each of them.”¹⁵³ Nevertheless, the panel saw no need for “major new spending initiatives or programs,” having concluded that public and private efforts, “taken together, provide an effective safety net that offers access to food assistance to virtually all needy Americans.”¹⁵⁴

But the cat was out of the bag. In the mid-1980s, American public opinion “re-discovered” hunger, in much the same way as it had in the late 1960s. Accordingly, the 1985 Farm Bill provided some relief from the harsh cuts of the preceding few years. It prohibited states and localities from collecting sales tax on purchases made with food stamps,¹⁵⁵ re-established categorical eligibility,¹⁵⁶ raised by a third the individual asset ceiling,¹⁵⁷ and required states to allow homeless people to participate.¹⁵⁸ More legislation in 1987, 1988, and 1990 brought further improvements.

G. Changes under Clinton and Bush

Bill Clinton came to office in 1993 promising to “end welfare as we know it,” on the basis that “welfare should be a second chance, not a way of life.”¹⁵⁹ But his administration began by expanding eligibility for food stamps. The omnibus federal budget for fiscal year 1994 removed the cap on

¹⁵¹ Memorandum on Establishing a Task Force on Food Assistance, 2 PUB. PAPERS 1118 (Aug. 2, 1983), available at <http://www.presidency.ucsb.edu/ws/?pid=41668>, archived at <http://perma.cc/THA9-9G3E>.

¹⁵² Exec. Order No. 12,439, 3 C.F.R. 205 (1984).

¹⁵³ Robert Pear, *U.S. Panel Says Hunger Cannot Be Documented*, N.Y. TIMES, Jan. 9, 1984.

¹⁵⁴ *Id.*

¹⁵⁵ Food Security Act of 1985, Pub. L. No. 99-198, § 1505, 99 Stat. 1354 (amending sec. 4(a) of the Food and Agriculture Act of 1977).

¹⁵⁶ Food Security Act of 1985, Pub. L. No. 99-198, § 1507, 99 Stat. 1354 (amending sec. 5(a) of the Food and Agriculture Act of 1977).

¹⁵⁷ Food Security Act of 1985, Pub. L. No. 99-198, § 1514, 99 Stat. 1354 (amending sec. 5(g) of the Food and Agriculture Act of 1977).

¹⁵⁸ Food Security Act of 1985, Pub. L. No. 99-198, § 1529, 99 Stat. 1354 (amending sec. 11(e)(2) of the Food and Agriculture Act of 1977).

¹⁵⁹ William J. Clinton, Address Accepting the Presidential Nomination at the Democratic National Convention in New York (July 16, 1992) (transcript available at <http://www.presidency.ucsb.edu/ws/?pid=25958>, archived at <http://perma.cc/U55U-2K5X>).

income deductions for shelter expenses,¹⁶⁰ excluded earned income tax credits from the definition of financial resources,¹⁶¹ allowed a deduction for child support payments,¹⁶² and raised the allowances for the value of a household's vehicles.¹⁶³

Clinton's signature piece of welfare legislation, the Personal Responsibility and Work Opportunities Reconciliation Act of 1996,¹⁶⁴ emphasized moving benefits recipients into work. Accordingly, the food stamps title of that legislation disqualifies Able-Bodied Adults Without Dependents ("ABAWDs") who refuse to register for employment, participate in an employment or training program, or accept an offer of employment.¹⁶⁵ As a result of a floor amendment offered in the House by Representative Robert Ney (R-Ohio), ABAWDs were required to work or train for twenty hours per week or be disqualified.¹⁶⁶ The 1996 law increased funding for employment and training programs¹⁶⁷—funding which was soon increased again in the Balanced Budget Act of 1997.¹⁶⁸ However, there was no requirement for states to provide ABAWDs with placements in training programs.¹⁶⁹

The 1996 law permanently froze the standard income deduction, stopping it from rising with inflation.¹⁷⁰ This action had a detrimental effect on SNAP families. By 2007, the Center for Budget and Policy Priorities ("CBPP") found that a typical single-parent SNAP household with two children was \$24 per month worse off as a result of the income deduction freeze.¹⁷¹ The 1996 law also cut 3% from the maximum benefit, which the CBPP report found worsened the position of families of three by \$13 per month.¹⁷²

¹⁶⁰ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 13912, 107 Stat. 312 (amending sec. 5(e) of the Food and Agriculture Act of 1977).

¹⁶¹ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 13913, 107 Stat. 312 (amending sec. 5(g) of the Food and Agriculture Act of 1977).

¹⁶² Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, § 13921, 107 Stat. 312 (amending sec. 5(e) of the Food and Agriculture Act of 1977).

¹⁶³ Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, §§ 13923–24, 107 Stat. 312 (amending sec. 5(g) of the Food and Agriculture Act of 1977).

¹⁶⁴ Pub. L. No. 104-193, 110 Stat. 2278 (1996).

¹⁶⁵ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 815, 110 Stat. 2278 (amending sec. 6(d) of the Food and Agriculture Act of 1977).

¹⁶⁶ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 824, 110 Stat. 2278 (adding sec. 6(o) to the Food and Agriculture Act of 1977).

¹⁶⁷ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 817(b), 110 Stat. 2278 (amending sec. 16(h) of the Food and Agriculture Act of 1977).

¹⁶⁸ Balanced Budget Act of 1997, Pub. L. No. 105-33, § 1002, 111 Stat. 251 (amending sec. 16(h) of the Food and Agriculture Act of 1977).

¹⁶⁹ RANDY A. AUSSENBERG, CONG. RESEARCH SERV., R43332, SNAP AND RELATED NUTRITION PROVISIONS OF THE 2014 FARM BILL 11–12 (2014).

¹⁷⁰ Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 809, 110 Stat. 2309 (amending sec. 5 of the Food and Agriculture Act of 1977).

¹⁷¹ Dorothy Rosenbaum, *Families' Food Stamp Benefits Purchase Less Food Each Year*, CTR. ON BUDGET & POL'Y PRIORITIES (Mar. 6, 2014), <http://www.cbpp.org/cms/?fa=view&id=152>, archived at <http://perma.cc/GG52-WYP2>.

¹⁷² *Id.*

The next Farm Bill—passed by a Republican-controlled House and signed by President George W. Bush, who later became notorious for proposing to privatize Social Security—was described by a prominent anti-hunger lobby as “overwhelmingly good news for low-income households across the country.”¹⁷³ It increased the standard income deduction,¹⁷⁴ provided a shelter deduction for homeless households,¹⁷⁵ raised the asset ceiling for the disabled,¹⁷⁶ expanded transitional benefits for families moving off welfare,¹⁷⁷ and removed the cap on allowances for participants in employment and training programs¹⁷⁸ (although it also froze funding for such programs at 2002 levels through 2007).¹⁷⁹

A Democratic Congress passed the 2008 Farm Bill over President Bush’s veto, which he applied not because of nutrition funding but because of his objection to subsidies in the bill for wealthy farmers, among other reasons.¹⁸⁰ To combat stigma, and to recognize the program’s move from physical stamps to electronic (“EBT”) cards, the 2008 legislation renamed food stamps the Supplemental Nutrition Assistance Program (“SNAP”) and retitled the 1977 legislation as the Food and Nutrition Act of 2008.¹⁸¹ I myself was a conferee on the 2008 Farm Bill, even though I was not a member of the Agriculture Committee. In a highly unusual move, Speaker Pelosi appointed me as a conferee, even though I was not a member of the committees that produced the bill, because I was Chair of the Agriculture Appropriations Subcommittee. From this position, I helped negotiate the benefit increases for SNAP in the 2008 Farm Bill.

Substantively, the 2008 Act continued to expand the program. It raised the standard deduction and restored the indexing to inflation that had been removed by the 1996 law.¹⁸² It also raised the household asset ceiling,¹⁸³

¹⁷³ Louise Hayes, *Get Ready for Food Stamp Reauthorization Changes in Your State*, FOOD RESEARCH & ACTION CTR. (Feb. 2003), <http://frac.org/wp-content/uploads/2009/09/implementation081402.pdf>, archived at <http://perma.cc/5X93-EHU4>.

¹⁷⁴ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4103, 116 Stat. 134 (amending sec. 5(e) of the Food and Agriculture Act of 1977).

¹⁷⁵ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4105, 116 Stat. 307 (amending sec. 5(e) of the Food and Agriculture Act of 1977).

¹⁷⁶ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4107, 116 Stat. 308 (amending sec. 5(g) of the Food and Agriculture Act of 1977).

¹⁷⁷ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4115, 116 Stat. 314 (amending sec. 11 of the Food and Agriculture Act of 1977).

¹⁷⁸ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4121(b)(c), 116 Stat. 324 (amending sec. 6(d) of the Food and Agriculture Act of 1977).

¹⁷⁹ Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, § 4121(a), 116 Stat. 323 (amending sec. 16(h) of the Food and Agriculture Act of 1977).

¹⁸⁰ See Message to the House of Representatives Returning Without Approval the “Food, Conservation, and Energy Act of 2008,” 44 WEEKLY COMP. PRES. DOC. 876 (June 18, 2008), available at <http://www.presidency.ucsb.edu/ws/?pid=77514>, archived at <http://perma.cc/9H4Y-RT8W>.

¹⁸¹ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, §§ 4001–02, 122 Stat. 1853, 1853–59.

¹⁸² *Id.* § 4102, 122 Stat. at 1860.

repealed the cap on deductions for dependent care,¹⁸⁴ excluded retirement and education accounts from the income definition,¹⁸⁵ raised and indexed the minimum benefit,¹⁸⁶ and authorized a federal cost-share for states providing nutrition education.¹⁸⁷ Taken together, these changes gave families on SNAP a much-needed boost in their benefits following the erosion that took place in the 1990s.¹⁸⁸

H. Lessons

As the above history makes plain, SNAP was by no means simply the creation of liberal-minded anti-poverty activists. Indeed, as one historian puts it, “[t]he idea behind SNAP originated with grocery men in the 1930s who saw a way to route welfare spending through their businesses.”¹⁸⁹ SNAP’s ingenious balancing of the needs of the poor with those of farmers and the retail sector is a large part of the reason that other countries have sought to emulate it, and why it has historically garnered support at home.

Although many Conservatives and Republicans emphasize program accuracy or workfare, they have not always opposed the program. Richard Nixon presided over an important expansion in the 1970s, with the help of prominent Republicans in Congress, including Senator Bob Dole. Even Ronald Reagan softened his approach in response to evidence of growing hunger, and by the mid-1980s was signing legislation that extended eligibility and raised benefits. The second Bush administration presided over a significant expansion to the program, passed by a Republican-controlled Congress.

It is not difficult to understand why SNAP has long enjoyed bipartisan support. As I have shown above, the program works—not just for low-income Americans, but also for farmers, the retail sector, and the economy at large. Today, unfortunately, this consensus has all but disappeared.

¹⁸³ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 4104(a), 122 Stat. 1861 (amending sec. 5(g) of the Food and Nutrition Act of 2008).

¹⁸⁴ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 4103, 122 Stat. 1861 (amending sec. 5(e)(3)(A) of the Food and Nutrition Act of 2008).

¹⁸⁵ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 4104, 122 Stat. 1861, 1861–62 (amending sec. 5(g) of the Food and Nutrition Act of 2008).

¹⁸⁶ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 4107, 122 Stat. 1863 (amending sec. 8(a) of the Food and Nutrition Act of 2008).

¹⁸⁷ Food, Conservation, and Energy Act of 2008, Pub. L. No. 110-246, § 4111, 122 Stat. 1863 (amending sec. 11 of the Food and Nutrition Act of 2008).

¹⁸⁸ Dorothy Rosenbaum, *Food Stamp Provisions of the Final 2008 Farm Bill*, CTR. ON BUDGET & POL’Y PRIORITIES (July 1, 2008), <http://www.cbpp.org/files/5-23-08fa.pdf>, archived at <http://perma.cc/NS4N-H24B>.

¹⁸⁹ Caitlin Rathe, *The Right’s Food Stamp Embarrassment: A History Lesson for the Haters*, SALON (Sept. 1, 2014), http://www.salon.com/2014/09/01/the_rights_food_stamp_embarrassment_a_history_lesson_for_the_haters/, archived at <http://perma.cc/98VN-XEG5>.

IV. SNAP'S EFFECTIVENESS

In this section, I will discuss evidence that, today, SNAP is a very efficient program. Its administrative costs are low, ensuring that almost all spending on the program goes to needy families. The program also enjoys very low rates of error and fraud. Participation among those who are eligible is relatively high, with the notable exceptions of seniors and non-citizens. Moreover, its positive effects have repeatedly been demonstrated, whether in combating poverty, promoting the public health, or supporting the national economy.

SNAP is a vital part of the social safety net. The anti-poverty charity RESULTS calls it “the nation’s frontline safety net against hunger.”¹⁹⁰ That is an apt description. SNAP is one of the most flexible responses Americans have to the poverty created by economic downturns. Participation closely tracks economic conditions, increasing during recessions and decreasing again during periods of economic growth.¹⁹¹ Accordingly, although the program grew in recent years in response to the Great Recession, it has already begun to contract again, and is forecast to continue doing so as our economy recovers.¹⁹²

A. Efficiency

Considering the enormous burden of administering such a vast program, SNAP is fiscally efficient. Benefits paid represented 94.4 % of its total federal costs in fiscal year 2014, which compares favorably with fiscal years 2004 (90.8%), 1994 (92.9%), 1984 (92.4%), and 1974 (95.8%).¹⁹³

Contrary to the views of some conservative commentators, the rates of error and fraud in the SNAP program are low compared to other federal programs.¹⁹⁴ SNAP payment accuracy is at an all-time high.¹⁹⁵ More than 99% of SNAP households are correctly deemed eligible.¹⁹⁶ Only 1.3% of

¹⁹⁰ *Supplemental Nutrition Assistance Program (Food Stamps)*, RESULTS, http://www.results.org/issues/supplemental_nutrition_assistance_program/ (last visited Mar. 7, 2015), archived at <http://perma.cc/YW9N-X8C9>.

¹⁹¹ See *Chart Book: SNAP Helps Struggling Families Put Food on the Table*, CTR. ON BUDGET & POL'Y PRIORITIES (Jan. 8, 2015), <http://www.cbpp.org/files/3-13-12fa-chartbook.pdf>, archived at <http://perma.cc/8QEN-5JRW>.

¹⁹² *Id.*

¹⁹³ Calculated from FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND COSTS, 1969-2014 (2014).

¹⁹⁴ U.S. DEP'T OF AGRIC., AGENCY FINANCIAL REPORT FISCAL YEAR 2012 188-89 (2012), http://www.usda.gov/documents/USDA_AFR_2012.pdf, archived at <http://perma.cc/V9BX-A3HW>.

¹⁹⁵ See Dorothy Rosenbaum, *SNAP Error Rates at All-Time Lows*, CTR. ON BUDGET AND POL'Y PRIORITIES 1 fig.1 (July 2, 2014), <http://www.cbpp.org/files/7-2-14fa.pdf>, archived at <http://perma.cc/D7SC-RMLU>.

¹⁹⁶ *Supplemental Nutrition Assistance Program (SNAP) Quality Control*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/quality-control> (last visited Mar. 7, 2015), archived at <http://perma.cc/Q946-WGMF>.

benefits are trafficked (meaning, essentially, exchanged for cash),¹⁹⁷ compared to 3.8% in 1993—a figure that may reflect the success of EBT cards.¹⁹⁸ According to the most recent data, the program reaches 83.3% of eligible households and provides 92.1% of all potential benefits.¹⁹⁹

B. Barriers to Access

As these statistics show, SNAP coverage is good, but not perfect. Around 17% of eligible households do not enroll, and 8% of potential benefits go uncollected.²⁰⁰ Enrollment is significantly lower among seniors and non-U.S. citizens. Less than four in ten eligible adults over the age of sixty participate—meaning that around 5.2 million older Americans are losing out on benefits to which they are entitled.²⁰¹ Among non-citizens, participation is 52.2%—which means that almost 1.5 million eligible non-citizens are losing out.²⁰²

A number of studies have identified the principal barriers that prevent eligible households from participating in SNAP.²⁰³ Some potential participants are confused or lack adequate information about the program, with the result that many eligible households are either unaware of the program or unaware that they are eligible.²⁰⁴ Some face administrative obstacles, such as the inconvenient location or hours of their local SNAP office, long lines, excessive form-filling, or onerous requirements relating to verification, reporting, or recertification.²⁰⁵ Some cite perceived stigma or embarrassment around applying for or using benefits, or a desire to maintain their personal independence rather than rely on benefits.²⁰⁶ Some have experienced poor

¹⁹⁷ *What is SNAP Fraud?*, U.S. DEP'T OF AGRIC. FOOD & NUTRITION SERV. (Apr. 16, 2014), <http://www.fns.usda.gov/fraud/what-snap-fraud>, archived at <http://perma.cc/R9MB-6858>.

¹⁹⁸ RICHARD MANTOVANI ET AL., FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., THE EXTENT OF TRAFFICKING IN THE SUPPLEMENTARY NUTRITION ASSISTANCE PROGRAM: 2009-2011 10-11 Exhibit 6 (2013).

¹⁹⁹ ESA ESLAMI & KAREN CUNNYNGHAM, FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SNAP PARTICIPATION RATES: FISCAL YEARS 2010 AND 2011 9 tbl.2 (2014).

²⁰⁰ *Id.*

²⁰¹ ESA ESLAMI & KAREN CUNNYNGHAM, FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., SNAP PARTICIPATION RATES: FISCAL YEARS 2010 AND 2011 11 tbl.3 (2014).

²⁰² *Id.*

²⁰³ See, e.g., *Access and Access Barriers to Getting Food Stamps: A Review of the Literature*, FOOD RESEARCH & ACTION CTR. 77-100 (Feb. 2008), <http://frac.org/wp-content/uploads/2009/09/fspaccess.pdf>, archived at <http://perma.cc/R5SQ-DTSA>; *Too Many Hurdles: Barriers to Receiving SNAP Put Children's Health at Risk*, CHILDREN'S HEALTHWATCH (Mar. 2011), http://www.childrenshealthwatch.org/upload/resource/snap_brief_mar11.pdf, archived at <http://perma.cc/7D2N-4T7J>; Irene Hatsu et al., *Predictors and Barriers to Participation in the Supplemental Nutrition Assistance Program (SNAP) by HIV Infected Adults*, 5 INT'L J. OF HEALTH & NUTRITION 17, 17-25 (2014).

²⁰⁴ *Access and Access Barriers to Getting Food Stamps: A Review of the Literature*, FOOD RESEARCH & ACTION CTR. 20 (Feb. 2008), <http://frac.org/wp-content/uploads/2009/09/fspaccess.pdf>, archived at <http://perma.cc/R5SQ-DTSA>.

²⁰⁵ *Id.* at 27-34.

²⁰⁶ *Id.* at 22-25.

customer service or disrespectful treatment, whether at the SNAP office or in grocery stores.²⁰⁷ Some face language barriers or are concerned that they will have to reveal their immigration status.²⁰⁸ Finally, some eligible individuals are homeless or otherwise lack a fixed address, and feel that they cannot fill out the paperwork for that reason.²⁰⁹

It is striking how many of these barriers could be overcome or ameliorated through better outreach to inform eligible households about SNAP (including in languages other than English), and by incentivizing states to administer the program better. Sadly, as discussed in Section V below, recent attacks on SNAP have frequently targeted both outreach funding and state incentives for good administration. These attacks threaten to make barriers to access worse.

C. *Effect on Poverty*

SNAP is specifically targeted at households in poverty. Indeed, as discussed in Section II above, its main measure of eligibility is closely linked to the poverty level itself, and benefit levels taper off as household income increases. Deductions are available for common household assets and expenses that are necessary to obtain work (such as running a car) or care for elderly or disabled family members.

Out of every dollar of SNAP benefits, more than ninety-one cents goes directly to households with incomes at or below the poverty line; the remainder provides support for low-income families with incomes slightly above the poverty line that qualify under categorical eligibility.²¹⁰ More than half of all benefits—almost fifty-five cents on the dollar—go to households in the deepest poverty, defined as having income at or below half the poverty level.²¹¹ Almost 70% of all benefits go to households with children.²¹²

In 2013, a group of researchers carried out a comprehensive study of the available academic literature and statistics on SNAP's effectiveness at reducing poverty. They concluded that SNAP reduced the poverty rate (the measure of households in poverty) by 16%.²¹³ In other words, eight million people who would otherwise be in poverty are not, thanks to SNAP.²¹⁴ The researchers found SNAP's effect on the depth and severity of poverty even

²⁰⁷ *Id.* at 41.

²⁰⁸ *Id.* at 92–94.

²⁰⁹ *Id.* at 42.

²¹⁰ KELSEY FARSON GRAY & ESA ESLAMI, FOOD & NUTRITION SERV., U.S. DEP'T OF AGRIC., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2012 35 tbl.A.1 (2014).

²¹¹ *Id.*

²¹² *Id.*

²¹³ Laura Tiehen, Dean Jolliffe & Timothy Smeeding, *The Effect of SNAP on Poverty*, INST. FOR RESEARCH ON POVERTY 29 (Oct. 28, 2013), <http://www.irp.wisc.edu/publications/dps/pdfs/dp141513.pdf>, archived at <http://perma.cc/PW7V-DGYQ>.

²¹⁴ *Id.* at 28–29 fig.8.

more striking: they found a 41% decline in the depth of poverty in the United States and a 54% decline in its severity.²¹⁵ Those numbers represent millions of people eating better—or in some cases, eating at all—as a result of their participation in SNAP.

Opponents of SNAP, and of social safety net benefits in general, often argue that such benefits actually exacerbate poverty by creating disincentives to work; they say that, because benefits phase out and taxes phase in as household income increases, for certain households it would make more sense to stay on SNAP and collect the benefit than to work and pay taxes.²¹⁶ It is true that, as SNAP recipients work more hours, they pay more tax on their increased earnings as their benefits decline; that is a necessary feature of a system that involves both progressive taxation and benefits that respond to a household's level of need.²¹⁷ But it is far from clear that this causes recipients to work less. The fact is that “the overwhelming majority of SNAP recipients who can work do so.”²¹⁸ Indeed, since the Clinton welfare reforms of 1996, SNAP has actually *required* able-bodied adult participants without dependents (“ABAWDs”) to work as a condition of receiving benefits, unless they fall within one of the established exemptions.²¹⁹

Moreover, it would be wrong to assume that high marginal tax rates encourage people to stay on benefits. In fact, I would argue that they incentivize people to work *more* (e.g. by increasing their hours or taking a second job) in order to increase their earnings.²²⁰ Very few people would choose to be on SNAP rather than working to support their families. Moreover, to the extent that such “benefit cliffs” exist, they could easily be fixed, for example by changing income and asset limits.²²¹ Far from being an argument for cutting benefits across the board, these problems actually speak to the need to mend the system so that it works better for those it is meant to serve.

²¹⁵ *Id.*

²¹⁶ See, e.g., HOUSE BUDGET COMM. MAJORITY STAFF, 113TH CONG., *THE WAR ON POVERTY: 50 YEARS LATER* 6–7 (Mar. 3, 2014).

²¹⁷ CONG. BUDGET OFFICE, Pub. No. 4149, *EFFECTIVE MARGINAL TAX RATES FOR LOW- AND MODERATE-INCOME WORKERS* 20, 29 tbls.3, 5 (2012); *Marginal Tax Rates, Work, and the Nation's Real Tax System Before the Subcomm. on Human Resources & Subcomm. on Select Revenue Measures of the H. Comm. on Ways & Means*, 112th Cong. (2012) (written statement of C. Eugene Steuerle, Richard B. Fischer Chair & Inst. Fellow, Urban Inst.).

²¹⁸ Dorothy Rosenbaum, *The Relationship Between SNAP and Work Among Low-Income Households*, CTR. ON BUDGET & POL'Y PRIORITIES (Jan. 29, 2013), <http://www.cbpp.org/files/1-29-13fa.pdf>, archived at <http://perma.cc/XSC5-48US>.

²¹⁹ For a summary of this policy, see *SNAP: Able-Bodied Adults Without Dependents*, U.S. DEPT OF AGRIC. FOOD & NUTRITION SERV., <http://www.fns.usda.gov/snap/able-bodied-adults-without-dependents-abawds> (last updated Mar. 24, 2015), archived at <http://perma.cc/3FHF-MVAD>.

²²⁰ See e.g., Sarah Ayres, *The Safety Net is Good Economic Policy*, Ctr. for Am. Progress 6 (Mar. 31, 2014), <http://cdn.americanprogress.org/wp-content/uploads/2014/03/RyanBudgetAyresStandard.pdf>, archived at <http://perma.cc/94QM-8R4Q>.

²²¹ See Derek Thomas, *The Cliff Effect: One Step Forward, Two Steps Back – Policy Design as a Disincentive for Economic Mobility*, 1 PUBLIC IN REVIEW 34, 43 (2013).

The less subtle, but more often heard, variant of the “poverty trap” argument claims that benefits create or contribute to a “culture of dependency.”²²² Because of their vagueness, such claims are harder to refute. However, there is very little evidence that SNAP recipients eschew work; one academic study found “no evidence . . . that [household] heads or spouses alter their labor supply efforts in response to the introduction of the program.”²²³ As discussed above in Section II, almost one third of all recipient households *already* have income from work.²²⁴ An analysis by the Center for Budget and Policy Priorities suggests that the figure is around 60% for households with able-bodied, working-age members.²²⁵

According to the same analysis, 82% of recipient households subject to the able-bodied work requirements described above have employment within a year prior to or following receipt;²²⁶ among new SNAP recipients who worked in the year prior to receipt, 96% also work in the year following receipt;²²⁷ and only 12.2% of SNAP households get their income from benefits alone.²²⁸

If SNAP were a “poverty trap,” one would expect to see a relatively narrow band of low-income individuals remaining in the program for long periods of time. Instead, the reverse is true—SNAP helps large numbers of people get through tough, but temporary, periods in their lives. Almost 30% of Americans have benefited from SNAP at some point in their lives.²²⁹ That is double the participation rate at the time of writing, even in the aftermath of the most significant recession since the program began.²³⁰ Half of all new SNAP participants leave the program again within ten months, and 74% do so within two years.²³¹ The President’s Council of Economic Advisers, a panel “charged with offering the President objective economic advice on the

²²² Matthew Spalding, *Why the U.S. has a Culture of Dependency*, CNN (Sept. 21, 2012), <http://www.cnn.com/2012/09/21/opinion/spalding-welfare-state-dependency/>, archived at <http://perma.cc/D9B6-W6RK>.

²²³ Hilary Williamson Hoynes & Diane Whitmore Schanzenbach, *Work Incentives and the Food Stamp Program*, 96 J. OF PUB. ECON. 151, 159 (2012).

²²⁴ FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., Report No. SNAP-14-CHAR, CHARACTERISTICS OF SNAP HOUSEHOLDS: FISCAL YEAR 2013 18 tbl.3.3 (2014).

²²⁵ Rosenbaum, *supra* note 193, at 5 fig.1.

²²⁶ *Id.*

²²⁷ Rosenbaum, *supra* note 213, at 7 fig.4.

²²⁸ Rosenbaum, *supra* note 213, at 28 fig.16.

²²⁹ One study estimated that 29.6% “of all individuals aged 14-22 in 1979 over the 32-year period from 1978-2010” participated in SNAP. COUNCIL OF ECON. ADVISERS, THE WHITE HOUSE, ECONOMIC REPORT OF THE PRESIDENT 237 (2014).

²³⁰ At the time of writing, data from September 2014 estimated a 14.5% participation rate. SNAP: *Number of Persons Participating – One Month Change*, FOOD RESEARCH & ACTION CTR. (Dec. 5, 2014), http://frac.org/wp-content/uploads/2011/01/snapdata2014_sep.pdf, archived at <http://perma.cc/S6NB-PRMX>; U.S. and World Population Clock, U.S. CENSUS BUREAU, <http://www.census.gov/popclock/> (last visited Dec. 31, 2014), archived at <http://perma.cc/F82C-BYDY>.

²³¹ OFFICE OF RESEARCH & ANALYSIS, U.S. DEP’T OF AGRIC., BUILDING A HEALTHY AMERICA: A PROFILE OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM 11 (2012).

formulation of both domestic and international economic policy,”²³² has written that “[a]n important feature of the safety net that is often overlooked: for most programs the majority of beneficiaries receive assistance for only a short period when their earnings drop for some reason, and then they bounce out again.”²³³

The real factor preventing millions of Americans, including many SNAP recipients, from working or securing work that pays enough to lift them out of benefits is that there are simply not enough well paid jobs to go around for working class Americans. There are solutions to that problem; cutting SNAP is not one of them.

D. Effect on Public Health

Poverty is a significant risk factor for poor health. In the United States, poverty is the major cause of food insecurity—broadly defined as difficulty in accessing “sufficient, safe, nutritious food to maintain a healthy and active life.”²³⁴ Poverty prevents people from eating a healthy diet and forces them to choose between buying medication and food. Compared to the average population, low-income people have less access to health care, healthy food, and opportunities for exercise.²³⁵ They are more susceptible to health problems including diabetes, heart disease, obesity, depression, and anxiety.²³⁶ People living under twice the poverty level have a quality-adjusted life expectancy more than eight years shorter than average.²³⁷

There is overwhelming evidence that SNAP helps alleviate some of these negative health effects.²³⁸ Participation in SNAP has been shown to increase household food security²³⁹—defined by the U.S. Department of Agriculture as having “access . . . at all times to enough food for an active, healthy life.”²⁴⁰ In particular, children who receive SNAP benefits have a

²³² *About CEA*, THE WHITE HOUSE, <http://www.whitehouse.gov/administration/eop/cea/about> (last visited Mar. 8, 2015), archived at <http://perma.cc/4QJC-FJVV>.

²³³ COUNCIL OF ECON. ADVISERS, *supra* note 227, at 237.

²³⁴ *Food Security*, WORLD HEALTH ORGANIZATION, <http://www.who.int/trade/glossary/story028/en/> (last visited Mar. 8, 2015), archived at <http://perma.cc/9D3S-TVHG>.

²³⁵ *SNAP and Public Health: The Role of the Supplemental Nutrition Assistance Program in Improving the Health and Well-Being of Americans*, FOOD RESEARCH & ACTION CTR. 2 (Jan. 2013), http://frac.org/pdf/snap_and_public_health_2013.pdf, archived at <http://perma.cc/C6VQ-NM32>.

²³⁶ *Id.* at 2–3.

²³⁷ *Id.*

²³⁸ See *id.* at 4–5; Health Impact Project, *Health Impact Assessment of Proposed Changes to the Supplemental Nutrition Assistance Program*, ROBERT WOOD JOHNSON FOUND. 23–26 (2014), <http://www.rwjf.org/content/dam/farm/reports/reports/2013/rwjf407284>, archived at <http://perma.cc/E2PL-5X45>.

²³⁹ JAMES MABLI ET AL., FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., MEASURING THE EFFECT OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION ON FOOD SECURITY 25 (2013).

²⁴⁰ *Food Security in the U.S.: Measurement*, U.S. DEP’T OF AGRIC. ECON. RESEARCH SERV., <http://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/measurement.aspx#security> (last updated Sept. 3, 2014), archived at <http://perma.cc/9GL3-3LGT>.

better chance of becoming food secure.²⁴¹ Historically, the rollout of the original Food Stamp Program has been linked with improvements in childhood health that last into adulthood.²⁴² In more recent years, a study of 17,000 young children of low-income families found that those who received SNAP were significantly less likely to be underweight, suffer from developmental delays, or face pernicious tradeoffs between food and healthcare.²⁴³

Participants tend to consume healthier diets, perhaps because they are eligible for nutrition education via a program called SNAP-Ed.²⁴⁴ For example, seniors who participate are healthier across a range of measures, even if they remain food insecure,²⁴⁵ and a study of over 360,000 children in Illinois showed that participants were at significantly lower risk for anemia and nutritional deficiency.²⁴⁶

At a time when the United States faces epidemics of both hunger and obesity, SNAP has a key preventative role to play. Increasing, rather than limiting, SNAP eligibility, benefits, and education funding would help low-income households to afford more nutritious food and give them the tools to make healthier choices.

E. Effect on the Economy

Like its health impacts, the economic costs of poverty are measurable. One group of researchers found that the combined cost of childhood poverty, from lost productivity, poor health, and increased crime, amounted to some 3.8% of U.S. GDP²⁴⁷—around \$637 billion, using 2013 figures.²⁴⁸ Another team put the cost of hunger specifically—in terms of poor health, educa-

²⁴¹ Tracy Vericker & Gregory Mills, *Childhood Food Insecurity: The Mitigating Role of SNAP*, URBAN INST. 1 (Oct. 15, 2012), <http://www.urban.org/UploadedPDF/412681-Childhood-Food-Insecurity.pdf>, archived at <http://perma.cc/PA8J-LTSL>.

²⁴² Hilary W. Hoynes, Diane Whitmore Schanzenbach & Douglas Almond, *Long-run Impacts of Childhood Access to the Safety Net*, NAT'L BUREAU OF ECON. RESEARCH 1–3 (Nov. 2012), <http://www.nber.org/papers/w18535.pdf>, archived at <http://perma.cc/RDH3-2GPE>.

²⁴³ *The SNAP Vaccine: Boosting Children's Health*, CHILDREN'S HEALTHWATCH (Feb. 2012), http://www.childrenshealthwatch.org/upload/resource/snapvaccine_report_feb12.jpg, archived at <http://perma.cc/9GNV-5YLD>.

²⁴⁴ *A Review of Strategies to Bolster SNAP's Role in Improving Nutrition As Well As Food Security*, FOOD RESEARCH & ACTION CTR. 3 (Jan. 2013), <http://frac.org/wp-content/uploads/2011/06/SNAPstrategies.pdf>, archived at <http://perma.cc/84X5-3ETY>.

²⁴⁵ Kirang Kim & Edward A. Frongillo, *Participation in Food Assistance Programs Modifies the Relation of Food Insecurity with Weight and Depression in Elders*, 137 J. OF NUTRITION 1005, 1005 (2007).

²⁴⁶ BONG JOO LEE ET AL., UNIV. OF CHICAGO, *EFFECTS OF WIC AND FOOD STAMP PROGRAM PARTICIPATION ON CHILD OUTCOMES* 11, 34–35 (2006).

²⁴⁷ Harry J. Holzer et al., *The Economic Costs of Poverty in the United States: Subsequent Effects of Children Growing Up Poor*, INST. FOR RESEARCH ON POVERTY 22 (Apr. 2007), <http://www.irp.wisc.edu/publications/dps/pdfs/dp132707.pdf>, archived at <http://perma.cc/L2DW-LAU3>.

²⁴⁸ *GDP (Current US\$)*, THE WORLD BANK, <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> (last visited Mar. 8, 2015), archived at <http://perma.cc/KP5Y-Z8MT>.

tional dropout rates, workplace absenteeism, the need for private charity to fill gaps in the safety net, and other measures—at more than \$167 billion in 2010.²⁴⁹

By alleviating poverty and hunger, SNAP also helps the U.S. economy. During downturns, the program operates countercyclically, serving as what economists refer to as an “automatic stabilizer,” stimulating the economy and absorbing some of the shock of sudden increases in unemployment and poverty.²⁵⁰ The President’s Council of Economic Advisers has found that, despite an explosion in unemployment over the Great Recession, the poverty rate only increased by half a percentage point.²⁵¹ Without the social safety net—of which SNAP is a significant part—the increase would have been nine times that.²⁵²

SNAP represents good value for each dollar of federal investment. Various studies have estimated that every dollar spent on SNAP benefits generates between \$1.56 and \$1.84 in increased economic activity.²⁵³ Indeed, in the run-up to the financial crisis, Dr. Mark Zandi of Moody’s Analytics found that increasing SNAP would provide the best return on investment out of a wide range of stimulus policy options, including cutting taxes, increasing infrastructure spending, and extending unemployment insurance benefits.²⁵⁴ Every billion dollars spent on SNAP generates between 9,000 and 18,000 jobs, many of them in farming.²⁵⁵

V. RECENT AND CURRENT CHALLENGES TO SNAP

A. *American Recovery and Reinvestment Act*

From 2007 to 2009, America experienced an economic crisis on a scale not seen since the Great Depression. As with the soup kitchens of the 1930s, food banks were once again unable to cope with a sudden, vast, and persistent increase in demand. Families on SNAP, and those on the margins of

²⁴⁹ Donald S. Shepard, Elizabeth Setren & Donna Cooper, *Hunger in America: Suffering We All Pay For*, CTR. FOR AM. PROG. 1 (Oct. 2011), https://www.americanprogress.org/wp-content/uploads/issues/2011/10/pdf/hunger_paper.pdf, archived at <http://perma.cc/GL62-JDFM>.

²⁵⁰ See, e.g., *Hearing on Strengthening the Safety Net Before the H. Budget Comm.*, 112th Cong. 3 (2012) (statement of Robert Greenstein, President, Center on Budget and Policy Priorities).

²⁵¹ COUNCIL OF ECON. ADVISERS, *THE WAR ON POVERTY 50 YEARS LATER: A PROGRESS REPORT* 5 (2014).

²⁵² COUNCIL OF ECON. ADVISERS, *supra* note 229, at 242–45.

²⁵³ See KENNETH HANSON, ECON. RESEARCH SERV., U.S. DEP’T OF AGRIC., *Economic Research Report No. 103, THE FOOD ASSISTANCE NATIONAL INPUT-OUTPUT MULTIPLIER (FANIOM) MODEL AND STIMULUS EFFECTS OF SNAP 20* (2010).

²⁵⁴ Mark M. Zandi, *Assessing the Macro Economic Impact of Fiscal Stimulus 2008*, MOODY’S ANALYTICS 3 tbl.1 (Jan. 2008), <https://www.economy.com/mark-zandi/documents/Stimulus-Impact-2008.pdf>, archived at <http://perma.cc/R6GF-BW87>.

²⁵⁵ HANSON, *supra* note 251, at 29.

eligibility, were among the hardest hit. This crisis brought to the fore wildly differing policy prescriptions. Conservatives, especially those backed by the increasingly powerful Tea Party movement, rapidly became fixated on fiscal austerity to cut the government deficit, regardless of social or economic cost. Liberals like myself strongly disagreed with this approach. The Democratic majority in the House wanted to see investment in our economy, to stimulate growth, create jobs, combat the sudden increase in poverty, and make America more globally competitive.

I, with the majority of my House colleagues, felt that this must include a substantial, if temporary, increase in SNAP benefits. As I have shown in this paper, not only does SNAP support low-income families as they struggle to make ends meet, it also pays substantial economic dividends to our economy, especially during a crisis as severe as the Great Recession.

Early in the Obama Administration, the Democratic majorities in the House and Senate enacted the American Recovery and Reinvestment Act of 2009 (“ARRA”). Despite the urgency of the situation, not a single House Republican voted for ARRA.²⁵⁶ In the Senate, only three did so (Olympia Snowe and Susan Collins, both of Maine, and Arlen Specter of Pennsylvania).²⁵⁷

I am proud to have helped craft ARRA. The bill’s stated purposes, which I and my fellow House Democrats supported, included investment, job creation, and “assist[ing] those most impacted by the recession.”²⁵⁸ Given SNAP’s clear effectiveness as both a tool for combating hunger and stimulating the economy, I was adamant that, if ARRA was to be successful on any of these points, it must include a large increase in SNAP benefits. When I first approached the Appropriations Committee Chairman and other members of our caucus, I was told that we would be unlikely to secure more than \$10 billion in increases to SNAP. In the end, I was able to secure an increase worth almost \$20 billion.²⁵⁹

I argued for these increases to Speaker Nancy Pelosi, to the Chairman of the Appropriations Committee, and to the Democratic Leadership. To ensure that my colleagues had access to the latest research and thinking on SNAP’s social and economic benefits, I coordinated input from experts at the Center on Budget and Policy Priorities and from the prominent economist Mark Zandi of Moody’s.

²⁵⁶ *Roll Call 70, Question: On Agreeing to the Conference Report*, 111TH CONG. (Feb. 13 2009), <http://clerk.house.gov/evs/2009/roll070.xml>, archived at <http://perma.cc/7QMN-XNY6>.

²⁵⁷ *Roll Call 61, Question: On the Passage of the Bill (H.R. 1 as Amended)*, 111th CONG. (Feb. 10, 2009), http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=111&session=1&vote=00061, archived at <http://perma.cc/S2E4-2J5Z>.

²⁵⁸ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115.

²⁵⁹ CONG. BUDGET OFFICE, COST ESTIMATE FOR H.R. 1, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 tbl. 1 (2009), available at <http://www.cbo.gov/sites/default/files/hrlconference.pdf>, archived at <http://perma.cc/T88K-RP47>.

This effort paid off. ARRA temporarily increased maximum allotments by 13.6%;²⁶⁰ it also largely suspended the work requirement through fiscal year 2010.²⁶¹ According to the Department of Agriculture, these measures reduced food insecurity among low-income households by 2.2 percentage points, and increased their spending on food by 5.4%.²⁶²

B. House Republican Proposals

In 2011, a Republican majority took control of the House of Representatives at the start of the 112th Congress. Representative Paul Ryan of Wisconsin became Chair of the House Budget Committee. Chairman Ryan's views on the social safety net have been formed in large part by his "mentor"²⁶³ and principal adviser on poverty, Bob Woodson of the Center for Neighborhood Enterprise.²⁶⁴ Mr. Woodson describes the problem of poverty in Dickensian terms:

We cannot and should not generalize about poor people. There are the deserving poor and the undeserving poor. It used to be that way, and it became politically incorrect. We are returning to some of the old values that served people very effectively until the welfare reforms of the 1960s.²⁶⁵

Chairman Ryan himself attracted controversy in March of 2014 when he said, on a conservative radio show, "we have got this tailspin of culture in our inner cities in particular of men not working and just generations of men not even thinking about working or learning the value and the culture of hard work so there's a cultural problem that has to be dealt with."²⁶⁶

Chairman Ryan later retracted those comments, describing them as "inarticulate." But the statement with which he replaced them is almost as telling:

²⁶⁰ American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, § 101(a), 123 Stat. 115.

²⁶¹ *Id.* § 101(e).

²⁶² MARK NORD & MARK PRELL, ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., FOOD SECURITY IMPROVED FOLLOWING THE 2009 ARRA INCREASE IN SNAP BENEFITS iii (2011), <http://www.ers.usda.gov/media/127913/err116.pdf>, archived at <http://perma.cc/ET2H-CFBM>.

²⁶³ See *Expanding Opportunity in America: A Conversation with House Budget Committee Chairman Paul Ryan*, AM. ENTER. INST. (July 24, 2014), http://www.aei.org/wp-content/uploads/2014/07/paul-ryan-event_175426104263.pdf, archived at <http://perma.cc/855T-C44Q>.

²⁶⁴ See, e.g., Robert Costa, *Ryan's Outreach*, NAT'L REVIEW (June 20, 2013), <http://www.nationalreview.com/article/351528/ryans-outreach-robert-costa>, archived at <http://perma.cc/N7UH-VQDR>.

²⁶⁵ Charles M. Blow, *Paul Ryan and His Poverty Prophet*, N.Y. TIMES (July 23, 2014), <http://www.nytimes.com/2014/07/24/opinion/charles-blow-paul-ryan-and-his-poverty-prophet.html>, archived at <http://perma.cc/5XWB-42V4>.

²⁶⁶ Patrick Brennan, *Ryan: Comments about Inner City Poverty 'Inarticulate'*, NAT'L REVIEW (Mar. 13, 2014), <http://www.nationalreview.com/corner/373289/ryan-comments-about-inner-city-poverty-inarticulate-patrick-brennan>, archived at <http://perma.cc/7W44-BCZT>.

We have allowed our society to isolate or quarantine the poor rather than integrate people into our communities. The predictable result has been multi-generational poverty and little opportunity. I also believe the government's response has inadvertently created a poverty trap that builds barriers to work. A stable, good-paying job is the best bridge out of poverty.²⁶⁷

In the same month, the Republican majority on the House Budget Committee released a report questioning the effectiveness of the social safety net as presently constituted, including SNAP. The report describes these programs as a “poverty trap,” before stating that “because these programs are means-tested—meaning that benefits decline as recipients make more money—poor families face very high implicit marginal tax rates. The federal government effectively discourages them from making more money.”²⁶⁸

Read in detail, the report's attack on social safety net programs actually goes much further than a simple call to amend effective marginal rates of taxation. However, the section on SNAP struggles to make a convincing case. Examples of such weak arguments include statements that SNAP has reduced poverty, albeit only “slightly” or by a “modest” amount;²⁶⁹ that SNAP has had only “a small negative effect on labor-force participation;”²⁷⁰ that “SNAP's error rates have fallen over the past decade,” albeit that it ascribes most of this improvement to changes in eligibility criteria;²⁷¹ and that “much of the increase [in SNAP spending over the past decade] is due to the struggling economy.”²⁷² Considering the argumentative and partisan nature of the report, the weakness of these claims says something profound about the overall case against SNAP. Moreover, as we have seen in Section IV above, SNAP has a net positive effect on poverty and the economy.

Nevertheless, Chairman Ryan and his conference have repeatedly presented radical prescriptions for reforming SNAP. Since becoming the majority, House Republicans have repeatedly introduced, and passed, budget reports proposing deep cuts to SNAP. These reports have proposed to convert SNAP into a block grant to the states, reduce funding for outreach to eligible communities, end waivers of the work requirement based on unemployment levels in particular geographic areas, and eliminate categorical eligibility based on receipt of Temporary Assistance for Needy Families (“TANF”).²⁷³ They have also proposed to end the policy known as “heat and eat,” according to which recipients of benefits under the Low-Income Home

²⁶⁷ *Id.*

²⁶⁸ HOUSE BUDGET COMM. MAJORITY STAFF, 113TH CONG., THE WAR ON POVERTY: 50 YEARS LATER, 6–7 (Mar. 3, 2014).

²⁶⁹ *Id.* at 82.

²⁷⁰ *Id.* at 83.

²⁷¹ *Id.*

²⁷² *Id.* at 83–84.

²⁷³ HOUSE BUDGET COMM. MAJORITY STAFF, 112TH CONG., THE PATH TO PROSPERITY: FISCAL YEAR 2015 BUDGET RESOLUTION 62–63 (2014).

Energy Assistance Program (“LIHEAP”) automatically qualify for SNAP’s Standard Utility Allowance (“SUA”). This is an important policy because it prevents recipients from having to make a pernicious choice between heating their homes and feeding their families.²⁷⁴

The centerpiece of these Republican plans is the proposal to replace SNAP with a block grant. The 2015 budget resolution describes this as follows:

For the Supplemental Nutrition Assistance Program, this budget assumes the conversion of the program into a flexible State allotment tailored to meet each State’s needs. The allotment would increase based on the Department of Agriculture Thrifty Food Plan index and beneficiary growth. Such a reform would provide incentives for States to ensure dollars will go towards those who need them most.²⁷⁵

The basis for this radical proposal is the claim that “[s]pending on SNAP . . . has increased dramatically over the past three years. . . . A variety of factors are driving this growth, but one major reason is that though the states have the responsibility of administering the program, they have little incentive to ensure it is well run.”²⁷⁶

SNAP spending has indeed increased during the recession, as it has during every economic downturn; indeed, one of the great merits of SNAP is its ability to respond quickly to economic conditions. By any standard, it is clearly not the case that maladministration is a “major factor” driving growth in SNAP costs. In fiscal year 2013, the last year for which data is available, overpayments accounted for just 2.61% of all SNAP payments.²⁷⁷

Moreover, states *do* have incentives for good administration. Indeed, they have been built into the SNAP program since they were enacted, on a bipartisan basis, in the Farm Bill of 2002.²⁷⁸ States earn performance bonuses for minimizing errors, speeding up processing times, and improving access for eligible households.²⁷⁹ Ironically, the original House Republican bill that became the nutrition chapter in the 2014 Farm Bill would have abolished

²⁷⁴ *Id.*

²⁷⁵ H.R. CON. RES. 96, 113th Cong. § 401(a)(3)(C) (2014).

²⁷⁶ H.R. REP. NO. 113-403, at 83 (2014).

²⁷⁷ FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: PAYMENT ERROR RATES, FY 2013 (2014), <http://www.fns.usda.gov/sites/default/files/snap/2013-rates.pdf>, archived at <http://perma.cc/9QX9-7S7T>.

²⁷⁸ See Farm Security and Rural Investment Act of 2002, Pub. L. No. 107-171, 116 Stat. 134.

²⁷⁹ See FOOD & NUTRITION SERV., U.S. DEP’T OF AGRIC., SUMMARY OF THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM’S HIGH PERFORMANCE BONUSES (2013), http://www.fns.usda.gov/sites/default/files/Bonuses_summary.pdf, archived at <http://perma.cc/BQ5T-J58D>.

these bonuses.²⁸⁰ As enacted, the 2014 legislation simply requires that such bonuses be spent on carrying out the SNAP program itself.²⁸¹

C. 2014 Farm Bill

In May of 2013, the House Republican majority introduced a Farm Bill that would have cut almost \$21 billion from SNAP over ten years. Among other measures, the bill would have ended “broad-based” categorical eligibility, removed state performance bonuses for good administration, and broken the vital “heat and eat” link between LIHEAP and SNAP.²⁸² As the Center on Budget and Policy Priorities reported, these cuts would have translated into removing two million people from the program entirely, and cutting benefits for millions more.²⁸³

I was absolutely determined not to let this happen. I coordinated firm Democratic opposition to the bill. Among other things, I held weekly meetings in my office, along with other meetings, to whip the no vote. As a result of these efforts, on June 20, 2013, the bill failed by 195 votes to 234.²⁸⁴ Sixty-two Republicans voted against the bill, including seven current or former House committee chairs.²⁸⁵

However, just a few weeks later, the Republican majority tried again, with a bill that included no nutrition title at all.²⁸⁶ As discussed above in Section II, since 1973 Congress has reauthorized SNAP every five years or so through a nutrition title in the Farm Bill, omnibus legislation that also covers other aspects of food policy, such as rural development, trade, conservation, and support for farmers. That linkage not only represents a shrewd compromise between different political constituencies, it also recognizes the historical truth that food stamps have always been about helping American farmers as well as Americans in poverty. The architects of this historic, bipartisan approach to the Farm Bill, who included Senators Bob Dole, George McGovern, and Jacob Javits, wanted both to help families in need and sup-

²⁸⁰ See Nutrition Reform and Work Opportunity Act of 2013, H.R. 3102, 113th Cong. § 119 (2013).

²⁸¹ See Agricultural Act of 2014, Pub. L. No. 113-79, § 4021, 128 Stat. 649.

²⁸² See H.R. 1947, 113th Cong. (2013).

²⁸³ See Dorothy Rosenbaum & Stacy Dean, *House Agriculture Committee Farm Bill Would Cut Nearly 2 Million People Off SNAP*, CTR. ON BUDGET & POL’Y PRIORITIES (May 16, 2013), <http://www.cbpp.org/files/5-13-13fa.pdf>, archived at <http://perma.cc/44S9-76AG>.

²⁸⁴ *Roll Call 286, Question: On Passage of Federal Agricultural Reform and Risk Management Act*, 113TH CONG. (June 20, 2013), <http://clerk.house.gov/evs/2013/roll286.xml>, archived at <http://perma.cc/SF7L-CCXZ>.

²⁸⁵ See David Rogers, *How the Farm Bill Failed*, POLITICO (June 23, 2013), <http://www.politico.com/story/2013/06/how-the-farm-bill-failed-93209.html>, archived at <http://perma.cc/Q5QM-7ZS5>.

²⁸⁶ Cf. Agricultural Act of 2014, H.R. 2642, 113TH CONG. (2013), available at <https://www.congress.gov/bill/113th-congress/house-bill/2642/text/107855>, archived at <http://perma.cc/3GCP-DZ5Q>.

port American agriculture. For the past forty-two years, this approach has succeeded in serving both groups.

The House Republican majority's second attempt at a 2013 Farm Bill broke with this tradition, deliberately severing the link between agriculture and nutrition.²⁸⁷ This was a transparent attempt to break bipartisan support in the House for federal nutrition programs. This type of insidious maneuvering has become sadly familiar to anyone who has served in the House during the past four years.

I again led 204 House Democrats in strong opposition to this radical approach. We wrote *en masse* to Speaker Boehner to insist that he include a robust nutrition title in the bill. As we said in that letter, “[w]e strongly believe in the critical importance of SNAP. Given the essential nature of this program to millions of American families, the final language of the Farm Bill or any other legislation related to SNAP must be crafted to ensure that we do not increase hunger in America.”²⁸⁸

The Republican majority passed this unprecedented bill, still lacking a nutrition title, without a single Democratic vote. The Senate, which had already passed a version of the Farm Bill that included a nutrition title,²⁸⁹ then amended the House bill to reinstate its own version.²⁹⁰ According to the Congressional Budget Office, the Senate version would have cut \$4.1 billion from SNAP over ten years.²⁹¹ It would have done this mainly by changing the “heat and eat” relationship between SNAP and the LIHEAP. Previously, states could adopt a policy that any payment under LIHEAP would automatically trigger SNAP’s standard utility allowance (“SUA”). The Senate’s Farm Bill would have established an annual threshold of \$10 in LIHEAP payments required to trigger the SUA.

On September 16—just two weeks before authorization for SNAP was due to expire²⁹²—the House majority finally introduced a (still completely separate) bill to reauthorize federal nutrition programs.²⁹³ This became the Republican negotiating position in conference. This bill contained net cuts to

²⁸⁷ Cf. Federal Agriculture Reform and Risk Management Act of 2013, H.R. 1947, 113TH CONG. (2013).

²⁸⁸ *DeLauro, House Democratic Caucus Call On Speaker Boehner Not to Push More Americans Into Hunger*, CONGRESSWOMAN ROSA DELAURO (Aug. 13, 2013), http://de-lauro.house.gov/index.php?option=com_content&view=article&id=1373:de-lauro-house-democratic-caucus-call-on-speaker-boehner-not-to-push-more-americans-into-hunger&catid=37:2013-press-releases&Itemid=148, archived at <http://perma.cc/W47M-JCDT>.

²⁸⁹ See Agriculture Reform, Food, and Jobs Act of 2013, S. 954, 113TH CONG. (2013).

²⁹⁰ See H.R. 2642, 113TH CONG. (2013).

²⁹¹ See CONG. BUDGET OFFICE, SUMMARY OF ESTIMATED BUDGETARY EFFECTS OF S. 954 (2013), available at http://www.cbo.gov/sites/default/files/s954_StabenowLtr_0.pdf, archived at <http://perma.cc/RP2M-ULGX>.

²⁹² See Consolidated and Further Continuing Appropriations Act of 2012, Pub. L. No. 112-55, 125 Stat. 552.

²⁹³ See Nutrition Reform and Work Opportunity Act of 2013, H.R. 3102, 113TH CONG. (2013).

SNAP of almost \$40 billion over ten years.²⁹⁴ The Republican bill would have failed to reauthorize SNAP for the usual five years, instead providing authorization only until 2016—when it would have expired in the middle of a presidential election campaign.²⁹⁵ It would have abolished “broad-based” categorical eligibility (as discussed above in Section II)²⁹⁶ and doubled (to \$20 per year) the Senate-proposed threshold for LIHEAP payments to trigger automatically the standard utility allowance.²⁹⁷ It would have authorized states to establish pilot programs under which all non-disabled, working-age SNAP participants, except parents with children less than one year old, would be required to work or take part in job training for a minimum of twenty hours per week, with disqualification of the entire household available as a penalty for non-compliance.²⁹⁸ It would have ended waivers of the work requirement issued by the Department of Agriculture based on the lack of jobs in specific geographic areas.²⁹⁹ It would have allowed states to drug-test SNAP applicants and disqualify them from participation if they tested positive.³⁰⁰ Lastly, the bill would have reduced funding for nutrition education by \$308 million,³⁰¹ and severely restricted outreach activities—for example, by prohibiting the use of federal funds for any “recruitment activities designed to persuade an individual to apply for [SNAP] benefits.”³⁰²

This partisan bill eventually passed the House—but not without a fight. I led a group of 103 Members of our caucus who coalesced around their opposition to a bill that would have led to catastrophic cuts to SNAP. All 103 members of this group voted against the bill in the House.

Many of these proposals did not survive negotiations with the Senate. SNAP was reauthorized for the full five years, until 2018.³⁰³ Broad-based categorical eligibility and geographic work-requirement waivers remained intact. The Republican proposal on drug testing was not enacted. SNAP-Ed was not cut. However, the 2014 Farm Bill did establish the LIHEAP threshold for the standard utility allowance at \$20 per year³⁰⁴—the House major-

²⁹⁴ See CONG. BUDGET OFFICE, COST ESTIMATE FOR H.R. 3102 (2013), available at <http://cbo.gov/sites/default/files/cbofiles/attachments/HR3102.pdf>, archived at <http://perma.cc/295K-97DE>.

²⁹⁵ See H.R. 3102, 113TH CONG. § 124 (2013).

²⁹⁶ See RANDY A. AUSSENBERG, CONG. RESEARCH SERV., R43332, SNAP AND RELATED NUTRITION PROVISIONS OF THE 2014 FARM BILL 9 (2014).

²⁹⁷ See H.R. 3102, 113TH CONG. § 107 (2013).

²⁹⁸ See H.R. 3102, 113TH CONG. § 139 (2013).

²⁹⁹ See H.R. 3102, 113TH CONG. § 109 (2013).

³⁰⁰ See H.R. 3102, 113TH CONG. § 136 (2013).

³⁰¹ See CONG. BUDGET OFFICE, COST ESTIMATE FOR H.R. 3102 (2013), available at <http://cbo.gov/sites/default/files/cbofiles/attachments/HR3102.pdf>, archived at <http://perma.cc/5ZYA-Z3B5>.

³⁰² H.R. 3102, 113TH CONG. § 118(b) (2013).

³⁰³ Agricultural Act of 2014, Pub. L. No. 113-79, § 4024, 128 Stat. 649.

³⁰⁴ See *id.* § 4006, 128 Stat. at 787.

ity's proposed level—in effect, a benefit cut of \$8.6 billion over ten years.³⁰⁵ It also restricted outreach substantially along the lines proposed by the House majority.³⁰⁶ This is a serious problem, given that (as this article has demonstrated) lack of information is a key barrier to SNAP participation. The 2014 bill also limited access for those with felony convictions, and increased states' data collection and reporting requirements—a provision which could delay enrollment or subject states to benefit payment penalties.

The cuts enacted in the 2014 Farm Bill come to \$8.6 billion over ten years.³⁰⁷ On top of this, the ARRA increase in benefits had expired on November 1, 2013, bringing further cuts of around \$11 billion,³⁰⁸ for a total reduction of almost \$20 billion.

This is a tragedy for American families. It also does substantial damage to our economy. As a result of these unprecedented cuts, a family of four in deep poverty, receiving the maximum benefit, lost \$396 in fiscal year 2014.³⁰⁹ In the month after the ARRA increase expired, more than half of New York City food pantries and soup kitchens reported a substantial (more than 26%) increase in visitors, desperate for any food they could get.³¹⁰

This result was bad enough. But under Republican proposals, the cuts would have been far deeper. Without tenacious opposition from House and Senate Democrats, millions of Americans would have been plunged even deeper into hunger and poverty.

D. Block Grants

A perennial element of Republican proposals to reform SNAP is to convert the program into a grant issued by the federal government to each state. These so-called “block grants” are nothing new. Ronald Reagan proposed making Food Stamps into a block grant in the 1980s.³¹¹ Speaker Newt Ging-

³⁰⁵ CONG. BUDGET OFFICE, SUMMARY OF ESTIMATED EFFECTS ON DIRECT SPENDING AND REVENUES OF THE CONFERENCE AGREEMENT ON H.R. 2642 (2014), available at https://www.cbo.gov/sites/default/files/hr2642LucasLtr_0.pdf, archived at <http://perma.cc/JC6K-NC98>.

³⁰⁶ See H.R. 3102, 113TH CONG. § 4018(b) (2013).

³⁰⁷ CONG. BUDGET OFFICE, SUMMARY OF ESTIMATED EFFECTS ON DIRECT SPENDING AND REVENUES OF THE CONFERENCE AGREEMENT ON H.R. 2642 (2014), available at https://www.cbo.gov/sites/default/files/hr2642LucasLtr_0.pdf, archived at <http://perma.cc/5E4K-Y45F>.

³⁰⁸ See Dorothy Rosenbaum & Stacy Dean, *House Agriculture Committee Farm Bill Would Cut Nearly 2 Million People Off SNAP*, CTR. ON BUDGET & POL'Y PRIORITIES (May 16, 2013), available at <http://www.cbpp.org/files/5-13-13fa.pdf>, archived at <http://perma.cc/4VYW-DXVM>.

³⁰⁹ Stacy Dean & Dorothy Rosenbaum, *SNAP Benefits Will Be Cut for Nearly All Participants in November 2013*, CTR. ON BUDGET & POL'Y PRIORITIES (Jan. 9, 2014), <http://www.cbpp.org/files/2-8-13fa.pdf>, archived at <http://perma.cc/WVA2-7447>.

³¹⁰ *Research Brief: Visitor Traffic Increases at Emergency Food Providers Post-SNAP Cuts*, FOOD BANK FOR NEW YORK CITY, <http://www.foodbanknyc.org/files/dmfile/Post-SNAPCutEFPSurveyResearchBrief2.pdf>, archived at <http://perma.cc/P2R8-VL6W>.

³¹¹ THE BROOKINGS INSTITUTION, POLICY BRIEF, CENTER ON CHILDREN & FAMILIES #34 (2005).

rich's House Republicans floated the same idea in the 1990s.³¹² They did not succeed, of course, but the Clinton-era welfare reforms did transform another vital program, Aid to Families with Dependent Children (colloquially known simply as "welfare"), into a block grant, the Temporary Assistance to Needy Families ("TANF").³¹³

In a separate report in July 2014 entitled *Expanding Opportunity in America*, Chairman Ryan proposed to make a range of safety net programs, including SNAP, into one "omnibus" block grant, termed an "Opportunity Grant."³¹⁴ In its essentials, however, this proposal is indistinguishable from a block grant. Under a block grant, each state receives a fixed sum of money for each fiscal year to be spent on broadly defined purposes.³¹⁵ The amount of the grant is determined by a static formula.³¹⁶ Block grants typically carry relatively light conditions and accountability, giving states wide margins of discretion in how the funds are spent.³¹⁷ Indeed, this reduced oversight is one of the alleged benefits of block grants, which proponents claim allow states the freedom to experiment.³¹⁸

From my experience, block grants are, for practical purposes, incompatible with the current system. SNAP presently entitles any eligible household to receive benefits. Because they only offer states a fixed amount of money, however, block grants would reduce certainty for the families that currently rely on SNAP to put food on their tables. They would also severely limit SNAP's ability to respond to periodic increases in the unemployment and poverty rate, and the program would no longer be able to function as a counter-cyclical automatic stabilizer in the way described above. Block grants also tend to lead to real-term cuts in program funding, as Congress would still be taking the blame for spending too much by appropriating funds for SNAP, while states take credit for improvements in the lives of participants and the local economy. The combination of these factors would limit SNAP as a block grant program, and could have potentially grave consequences not only for needy families but also for our national economy.

As discussed above, Aid to Families with Dependent Children became a block grant in the mid-1990s. Since then, recipient numbers have conspicuously failed to keep pace with increases in the number of people in poverty, even as SNAP caseloads have continued to track the poverty numbers rela-

³¹² Work Opportunity Act of 1995, H.R. 4, 104th Cong. (1995).

³¹³ See ROBERT JAY DILGER & EUGENE BOYD, CONG. RESEARCH SERV., R40486, BLOCK GRANTS: PERSPECTIVES AND CONTROVERSIES 18–23 (2014), <https://fas.org/sgp/cts/misc/R40486.pdf>, archived at <http://perma.cc/T8D8-PWST>.

³¹⁴ CHAIRMAN PAUL RYAN & HOUSE BUDGET COMMITTEE MAJORITY STAFF, BUDGET COMMITTEE, U.S. HOUSE OF REPRESENTATIVES, EXPANDING OPPORTUNITY IN AMERICA 9–23 (2014).

³¹⁵ Dilger & Boyd, *supra* note 313.

³¹⁶ See *id.*

³¹⁷ See *id.*

³¹⁸ See *id.*

tively closely.³¹⁹ In fact, the Center on Budget and Policy Priorities has found that, of eleven federal low-income programs that have become block grants, eight have decreased in funding since their inception.³²⁰

The House Republican budget proposal for fiscal year 2015 estimates savings of \$125 billion over ten years from converting SNAP into a block grant. Bluntly, those savings must come from somewhere.

E. Effective Benefit and Eligibility Cuts

The 2014 Farm Bill, along with current House Republican proposals, aims to reduce SNAP eligibility, both directly and indirectly: directly, by expressly changing eligibility requirements, and indirectly, by making it more difficult for eligible households to obtain benefits.

Increased work requirements (including the push to eliminate geographical waivers) might make sense if there were any substantial evidence that receiving SNAP discouraged people from working. As even Chairman Ryan has admitted, such evidence is thin on the ground. The real factor stopping people from working is the lack of available jobs. In October 2014 (the last month for which both statistics were available at the time of writing), there were 4.8 million job openings,³²¹ compared to 9 million unemployed people.³²² As discussed above in Section III, a large proportion of SNAP participants are already working. The fact that they are nevertheless in or near poverty is, in part, a reflection of the real-terms wage stagnation that has taken hold over the past three decades.³²³

Ending categorical eligibility and breaking the link between SNAP and programs like TANF and LIHEAP would, of course, constrict eligibility directly. It would also burden needy families who otherwise remain eligible. It would duplicate administration and, ironically, give states *less* flexibility to determine who should receive benefits.

Similarly, not only would drug tests limit eligibility for substance abusers—with untold consequences in both humanitarian terms and in terms of

³¹⁹ See Joshua Smith, *Block Granting Social Safety Net Programs Would Erode Their Value and Deprive Low-income Families of Critical Aid*, ECON. POL'Y INST. (July 30, 2014), <http://www.epi.org/publication/block-granting-social-safety-net-programs/>, archived at <http://perma.cc/9Q2L-N4YP>.

³²⁰ See Richard Kogan, *History Suggests Ryan Block Grant Would Be Susceptible to Cuts*, CTR. ON BUDGET & POL'Y PRIORITIES (July 28, 2014), <http://www.offthechartsblog.org/history-suggests-ryan-block-grant-would-be-susceptible-to-cuts/>, archived at <http://perma.cc/CXL8-9FSP>.

³²¹ U.S. BUREAU OF LABOR STAT., USDL-14-2206, JOB OPENINGS AND LABOR TURNOVER SURVEY 1 (Oct. 2014).

³²² U.S. BUREAU OF LABOR STAT., USDL-14-2037, THE EMPLOYMENT SITUATION—OCTOBER 2014 1 (2014), available at http://www.bls.gov/news.release/archives/empsit_11072014.pdf, archived at <http://perma.cc/J9D4-TMRS>.

³²³ See Drew Desilver, *For most workers, real wages have barely budged for decades*, PEW RESEARCH CENTER (October 9, 2014), <http://www.pewresearch.org/fact-tank/2014/10/09/for-most-workers-real-wages-have-barely-budged-for-decades/>, archived at <http://perma.cc/6FC4-RB5G>.

increased crime—but also the invasive and potentially humiliating testing would likely discourage eligible people from claiming benefits.

Limiting SNAP outreach is perhaps the most pernicious of the reductions proposed by the House Republicans. As discussed above in Section IV, lack of information is one of the main barriers to participation in SNAP. Cutting funding for outreach exacerbates this problem by making it harder to find out what SNAP is, whether one's household is eligible, and how to apply.

Lastly, cutting funding for nutrition education would not limit eligibility for SNAP itself, but it *would* limit the effectiveness of one of SNAP's most important tools for improving health.

It is difficult to avoid the conclusion that these proposed restrictions are calculated to identify and exploit known barriers to participation. It is equally difficult to avoid making the comparison between them and the tactics certain conservative groups have used in order to restrict, for example, access to abortion or voting rights. In each case, the losers are the same: America's low-income households.

V. CONCLUSION: SNAP'S CONTINUED VALUE AND VULNERABILITY

Among congressional conservatives, it has lately become common practice to question, or even deny, the effectiveness of America's War on Poverty based on the fact that the official poverty rate has remained static over the past five decades.³²⁴ Such claims are misleading for at least two reasons. First, they are based on a measure of poverty that fails to take into account the very income transfers War on Poverty programs provide. When such transfers are taken into account, we see that SNAP alone keeps eight million people out of poverty,³²⁵ and that the social safety net as a whole lifts forty million above the poverty line.³²⁶ During the recent recession, while "market poverty" rose 4.5%, the social safety net kept the real-terms increase down to just half a percentage point.³²⁷

Contrary to conservative claims, participation in SNAP does not track expansions in eligibility. Rather, as might be expected, participation closely follows economic conditions, particularly the poverty rate.³²⁸ Indeed, this relationship is what gives SNAP its vital countercyclical role in our economy.

³²⁴ See Carmen DeNavas-Walt & Bernadette D. Proctor, *Income and Poverty in the United States: 2013*, U.S. CENSUS BUREAU (Sept. 2014), <http://www.census.gov/content/dam/Census/library/publications/2014/demo/p60-249.pdf>, archived at <http://perma.cc/8LY7-M382>.

³²⁵ Laura Tiehen, Dean Jolliffe & Timothy Smeeding, *The Effect of SNAP on Poverty*, INST. FOR RESEARCH ON POVERTY 29 (Oct. 28, 2013), <http://www.irp.wisc.edu/publications/dps/pdfs/dp141513.pdf>, archived at <http://perma.cc/BXM4-366Y>.

³²⁶ See PRESIDENT'S COUNCIL OF ECONOMIC ADVISERS, *supra* note 227.

³²⁷ *Id.*

³²⁸ *Chart Book: SNAP Helps Struggling Families Put Food on the Table*, CTR. ON BUDGET & POL'Y PRIORITIES 14 (Jan. 8, 2015), <http://www.cbpp.org/files/3-13-12fa-chartbook.pdf>, archived at <http://perma.cc/8QEN-5JRW>.

It is true to say that, in recent years, the relationship between SNAP and unemployment has become less directly proportional.³²⁹ Far from supporting an argument against SNAP, however, these statistics actually say something deeply troubling about an economy in which wages are stagnating even as the cost of living continues to rise.

SNAP benefits remain frugal. The maximum benefit to any household is what the U.S. Department of Agriculture defines as the bare minimum for a healthy diet. Even that minimal sum is reduced by 30% of the household's countable income. There is very little room for cutting benefits without a major impact on quality of life among recipient families. And because SNAP is run so efficiently, it is very difficult to find any "fat" to trim, without cutting into benefits.

SNAP remains vulnerable to cuts because it is a highly visible program that has many powerful political interests seeking to dismantle it. But the arguments for reducing SNAP are fundamentally flawed. Cutting benefits would do nothing to help, and much to exacerbate, the underlying problem with which SNAP seeks to deal, which is poverty. From a reputational point of view, it is reasonable to wonder what it seems to say about our nation that we slash benefits for needy families while (in the very same pieces of legislation) indulging in billions of dollars in subsidies for an agriculture industry in which a few big players increasingly dominate.

Very few American politicians—indeed, very few Americans—would disagree with Chairman Ryan when he says, "[a] stable, good-paying job is the best bridge out of poverty."³³⁰ That is a laudable goal for our public policy, and there are measures we who serve in Congress might take to help businesses create such jobs. Restricting SNAP benefits is not among those measures.

³²⁹ See Margaret Andrews & David Smallwood, *What's Behind the Rise in SNAP Participation?*, U.S. DEPT OF AGRIC. ECON. RESEARCH SERV. (Mar. 1, 2012), <http://www.ers.usda.gov/amber-waves/2012-march/what%E2%80%99s-behind-the-rise-in-snap-participation.aspx#.VLW0BSvF9ag>, archived at <http://perma.cc/UJ4K-LBR6>.

³³⁰ Patrick Brennan, *Ryan: Comments about Inner City Poverty 'Inarticulate'*, NAT'L REVIEW (Mar. 13, 2014), <http://www.nationalreview.com/corner/373289/ryan-comments-about-inner-city-poverty-inarticulate-patrick-brennan>, archived at <http://perma.cc/7W44-BCZT>.