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HUNGER GAMES: RACIAL POLITICS AND THE U.S. DEPARTMENT OF AGRICULTURE

BRENDAN W. WILLIAMS

INTRODUCTION

The United States Department of Agriculture (USDA) was established by a law signed by President Abraham Lincoln in 1862,¹ with the benign charge to “diffuse among the people of the United States useful information on subjects connected with agriculture in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.”² From that modest beginning, the agency would assume enormous responsibilities.

Building on earlier school lunch initiatives under the “New Deal” in the depths of the Depression,³ the USDA first took on its permanent role in feeding hungry Americans with passage of the National School Lunch Act in 1946.⁴ There it was “declared to be the policy of Congress, as a measure of national security, to safeguard the health and well-being of the Nation’s children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of foods and other facilities for the establishment,

1. *See* 12 Stat. 387.

2. *Id.* at § 1.

3. *See* James Thomas Gay, *Richard B. Russell and the National School Lunch Program*, 80 GA. HIST. Q. 859, 860 (Winter 1996) (“[T]he New Deal, from its beginnings, was involved in some form of school lunch distribution. In 1935, school lunches became a major project of the Work Progress Administration with the use of its workers in food processing and distribution.”) (footnote omitted).

4. National School Lunch Act of 1946, Pub. L. No. 79-346.

maintenance, operation, and expansion of nonprofit school-lunch programs.”⁵

Food stamps had been made available to Americans during the Depression under President Franklin D. Roosevelt’s Agriculture Secretary Henry Wallace: “Eligible people could spend cash they ordinarily used for food to purchase orange stamps. As a bonus, they received \$0.50 worth of free blue stamps for every dollar they spent. Participants could use the orange stamps to buy any food; however, blue stamps could only be spent for foods the USDA had declared as surplus.”⁶ The program ended in spring 1943 with the economic recovery World War II brought.⁷

In 1961, President John F. Kennedy’s first executive order as president directed the secretary of the Department of Agriculture to “take immediate steps to expand and improve the program of food distribution throughout the United States . . . so as 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.”⁸

This modest undertaking expanded as part of the “Great Society” legislating under President Lyndon B. Johnson, first with the Food Stamp Act of 1964.⁹ Under that law, it was “declared to be the policy of Congress, in order to promote the general welfare, that the Nation’s abundance of food should be utilized cooperatively by the States, the Federal Government, and local governmental units to the maximum

5. *Id.* at § 2.

6. Patti S. Landers, *The Food Stamp Program: History, Nutrition Education, and Impact*, 107 J. AM. DIETETIC ASS’N 1945, 1946 (2007) (“Peak participation in the first Food Stamp Program was 4 million people[.]”) (footnote omitted), [https://jandonline.org/article/S0002-8223\(07\)01619-7/pdf](https://jandonline.org/article/S0002-8223(07)01619-7/pdf); See *Wallace to speak here on food plan*, N.Y. TIMES (Aug. 15, 1940) (“As a preliminary to the introduction of the Federal food stamp program in Brooklyn on Sept. 3, Secretary of Agriculture Henry A. Wallace will speak tomorrow night at a meeting of Brooklyn food dealers, city officials disclosed yesterday.”), timesmachine.nytimes.com/timesmachine/1940/08/15/93988113.html.

7. Landers, *supra* note 6, at 1946.

8. Exec. Order No. 10914, 26 Fed. Reg. 639 (Jan. 24, 1961).

9. See Pub. L. No. 88-525.

extent practicable to safeguard the health and well-being of the Nation's population and raise levels of nutrition among low-income households."¹⁰

Another key development occurred with passage of the Child Nutrition Act of 1966.¹¹ There Congress declared that "[i]n recognition of the demonstrated relationship between food and good nutrition and the capacity of children to develop and learn, based on the years of cumulative successful experience under the national school lunch program with its significant contributions in the field of applied nutrition research, it is hereby declared to be the policy of Congress that these efforts shall be extended, expanded, and strengthened[.]"¹² A school breakfast pilot program was created,¹³ and funding was appropriated to "to encourage consumption of fluid milk by children in the United States[.]"¹⁴

A law passed in 1972 created a new "program under which supplemental foods will be made available to pregnant or lactating women and to infants determined by competent professionals to be nutritional risks because of inadequate nutrition and inadequate income."¹⁵

Over time, of course, these noble purposes became mixed up in politics and governmental parsimony, perhaps most famously in 1981 when the Reagan Administration had to withdraw "proposed federal rules that would have listed ketchup and pickle relish as vegetables in school lunches."¹⁶ While that episode seemed farcical, it was an attempt to accommodate a huge budget cut for the 1982 federal fiscal year.¹⁷ And the hits have kept coming since, with occasional exceptions such as the Healthy, Hunger-Free Kids Act of 2010,¹⁸ which sought to improve the "nutrition standards" of school lunches.¹⁹

10. *Id.* at § 2.

11. *See* Pub. L. No. 89-642.

12. *Id.* at § 2.

13. *Id.* at § 4.

14. *Id.* at § 3. The initial annual appropriation for this was \$110 million. *See id.*

15. Pub. L. No. 92-433 § 17(a).

16. Mary Thornton & Martin Schram, *U.S. Holds The Ketchup In Schools*, WASH. POST (Sept. 26, 1981).

17. *Id.*

18. Pub. L. No. 111-296.

19. *See id.* at § 201.

Healthier school lunches were an initiative of former first lady Michelle Obama.²⁰

The treatment of the Department of Agriculture's programs to feed the hungry must also be juxtaposed with the subsidies that have gone to agribusiness. In 1933, in the heart of the Great Depression, the Agriculture Adjustment Act gave birth to modern farm subsidies, with the federal government taking on a role "[t]o establish and maintain such balance between the production and consumption of agricultural commodities, and such marketing conditions therefor, as will reestablish prices to farmers at a level that will give agricultural commodities a purchasing power with respect to articles that farmers buy[.]"²¹

That was a complicated way of saying that farmers would be paid not to farm – indeed, \$100 million was appropriated to the Department of Agriculture toward the costs of administering the new law “and for rental and benefit payments made with respect to reduction in acreage or reduction in production for market[.]”²²

In 2019 roughly \$19 billion was paid out in U.S. farm subsidies.²³ And according to one analysis, “100,000 individuals collected just over 70% of the money.”²⁴ In contrast, “[i]n 2018, the National School Lunch Program, which serves a mix of free, subsidized and paid meals to nearly 30 million children, cost just under \$14 billion.”²⁵

This article examines the precarious state of the Department of Agriculture's vital anti-hunger efforts, under both political parties, by first focusing on school lunches then on food stamps, which are now known as Supplemental Nutrition Assistance Program benefits. It then turns to a policy discussion on how these two vital anti-hunger programs have fared relative to agricultural subsidies, and the racial dynamics at

20. Not all kids were pleased as the nutritional standards increased. See Roberto A. Ferdman, *School kids are blaming Michelle Obama for their 'gross' school lunches*, WASH. POST (Nov. 24, 2014, 12:51 PM).

21. Pub. L. No. 73-10 § 2.

22. See *id.* at § 12(a).

23. Dan Charles, *Farmers Got Billions From Taxpayers In 2019, And Hardly Anyone Objected*, NPR (Dec. 31, 2019, 4:13 PM).

24. *Id.*

25. Helena Bottemiller Evich & Juan Perez, Jr., *'It's insane': Millions of kids could lose access to free meals if this program expires*, POLITICO (Jan. 21, 2020, 12:04 PM).

work. Combating hunger has become even more critical a task given the toll inflicted by the COVID-19 pandemic.²⁶

I. SUBSIDIZED AND FREE SCHOOL LUNCHES

In signing the National School Lunch Act into law, President Harry Truman remarked: “I feel that the Congress has acted with great wisdom in providing the basis for strengthening the nation through better nutrition for our school children.”²⁷ In a 1946 statement to a conference of school lunch officials, Truman stated: “The well nourished student is a better student.”²⁸ Yet the debate on the bill had foreshadowed today’s rhetoric on safety net programs, with U.S. Rep. Hattan W. Summers (D., Tex.) warning: “If you pass this bill, you will be inculcating in little children at the most impressionable period of their lives the idea that they can get something for nothing from Uncle Sam.”²⁹

In 1971, President Richard Nixon’s administration sought to cut the program, which drew a bipartisan rebuke in a letter from 59 senators,

26. *Id.* at 1; See Diane Whitmore Schanzenbach, *Not Enough to Eat: COVID-19 Deepens America’s Hunger Crisis*, Food Res. & Action Ctr. (Sept. 2020), https://frac.org/wp-content/uploads/Not-Enough-to-Eat_Hunger-and-COVID.pdf. As this report notes:

Prior to COVID-19, even in the midst of a strong economy with a record streak of job growth and low unemployment rates, in 2018 nearly 8 million (4 percent) American adults reported that members of their households sometimes or often did not have enough to eat. According to data from the U.S. Census Bureau’s Household Pulse Survey (collected April 23, 2020 through July 21, 2020), during COVID-19, that number has surged to 26–29 million, or 11 percent of adults.

27. *Truman approves school lunch bill*, N.Y. TIMES (June 5, 1946), <https://timesmachine.nytimes.com/timesmachine/1946/06/05/93121555.html?pageNumber=17>.

28. *Truman hails gain in school lunches*, N.Y. TIMES (Oct 22, 1946), <https://timesmachine.nytimes.com/timesmachine/1946/10/23/93161652.html?pageNumber=31>.

29. *School lunch cost assailed in House*, N.Y. TIMES (Feb. 20, 1946), <https://timesmachine.nytimes.com/timesmachine/1946/02/20/94040198.html?pageNumber=22>.

including the Republican leader.³⁰ By 1972 Nixon proposed a significant increase in school lunch funding, including doubling “spending for the summer lunch program for needy children” – though his proposal to means-test free, or subsidized, lunch availability drew Democratic concern.³¹

It was under President Reagan that a significant cut occurred in school lunch funding – reportedly “\$1.46 billion from \$5.66 billion earmarked for child nutrition programs.”³² This could not have been accomplished without the support of a Democratic U.S. House, though.³³

While the Healthy, Hunger-Free Kids Act was an advancement in child nutrition, its implementation was a product of compromise. U.S. Sen. Amy Klobuchar (D., Minn.), for example, retained a school lunch loophole that counted two tablespoons of tomato paste as a full tomato – tomato paste was a key ingredient in the frozen pizzas sold by “the Schwan Food Company, a privately held frozen-food behemoth based in Minnesota, with 14,000 employees and roughly \$3 billion in annual sales.”³⁴ Nutritionists had wanted kids to eat less pizza in school

30. *Nixon asked to drop school lunch curbs*, N.Y. TIMES (Oct. 16, 1971), <https://timesmachine.nytimes.com/timesmachine/1971/10/16/90698550.html?page-Number=28>.

31. Robert B. Semple, Jr., *Nixon seeks more for pupil meals*, N.Y. TIMES (May 7, 1972), <https://www.nytimes.com/1972/05/07/archives/nixon-seeks-more-for-pupil-meals-he-acts-on-breakfast-and-summer.html>.

32. Jonathan Harsch, *Reagan cuts eat into school lunches*, CHRISTIAN SCI. MONITOR (Sept. 17, 1981), <https://www.csmonitor.com/1981/0917/091746.html>.

33. See Martin Tolchin, *House approves budget plan supported by Reagan, 270-154; Democrats split on Key Vote*, N.Y. TIMES (May 8, 1981) (“The President’s popularity and his intensive lobbying effort were widely credited with the victory, which led some dispirited Democratic leaders to question privately whether today’s vote presaged their effective loss of control of the chamber.”), <https://www.nytimes.com/1981/05/08/us/house-approves-budget-plan-supported-reagan-270-154-democrats-split-key-vote.html>.

34. Nicholas Confessore, *How School Lunch Became the Latest Political Battleground*, N.Y. TIMES (Oct. 7, 2014), <https://www.nytimes.com/2014/10/12/magazine/how-school-lunch-became-the-latest-political-battleground.html>.

lunches, but Schwan made “a reported 70 percent of all pizza sold in American schools.”³⁵

Proving that anything can become a culture war, conservatives attacked the modest objective to make school lunches healthier.³⁶ Under the Trump Administration, the Department of Agriculture worked to weaken the nutritional value of school lunches, initially with a 2018 rule that allowed “flavored, low-fat milk”; required that only “half of the weekly grains in the school lunch and breakfast menu be whole grain-rich”; and delayed “sodium reduction” targets.³⁷

This rule was largely vacated and remanded on procedural grounds by a U.S. District Court judge in Maryland in *Center for Science in the Public Interest vs. Perdue*.³⁸ Judge George J. Hazel found “that the Final Rule is not a logical outgrowth of the Interim Final Rule, so it must be vacated and remanded to the administrative agency for further proceedings.”³⁹ Fatefully, “the Interim Final Rule spoke exclusively in terms of delaying compliance requirements, not abandoning the compliance requirements altogether, and at no point did the Interim Final Rule discuss eliminating the Final Sodium Target or even solicit comments about the effect of continued sodium ‘flexibilities’ on the Final Sodium Target.”⁴⁰ Further, “[t]he Final Rule’s elimination of the one-hundred percent whole grain-rich requirement is similarly not a

35. *Id.* (“[A]s the vote approached, Margo Wootan, the director of nutrition policy at the Center for Science in the Public Interest, began peddling an irresistible talking point: Congress, she said, was proposing to classify pizza as a vegetable.”).

36. *See id.* (“Obama’s lunch reform, much like Obama’s presidency, feels mired in an endless insurgency — against a stealthy, well-financed and infinitely patient foe.”). Even in 1977, future President Ronald Reagan, in a radio broadcast, had griped that “there’s been much ado about so-called ‘junk food’ in schools. Like so many of the do-gooder causes, a grapevine communication system carries the word all over the land.” Rick Perlstein, *Here is Ronald Reagan, nearly 40 years ago, making fun of healthy school lunches*, WASH. POST (Sept. 10, 2014, 9:30 AM), <https://www.washingtonpost.com/posteverything/wp/2014/09/10/here-is-ronald-reagan-nearly-40-years-ago-making-fun-of-healthy-school-lunches/>.

37. Child Nutrition Programs: Flexibilities for Milk, Whole Grains, and Sodium Requirements, 83 Fed. Reg. 63775-76 (Dec. 12, 2018) (to be codified at 7 C.F.R. Pts. 210, 215, 220 & 226).

38. *Center for Science in the Public Interest vs. Perdue*, 438 F. Supp. 3d 546 (D. Md. Apr. 13, 2020).

39. *Id.* at 558.

40. *Id.*

logical outgrowth of the Interim Final Rule.”⁴¹ Thus, through procedural error alone, school lunch nutrition goals were preserved.

In the last year of the Trump presidency, the Trump Administration unveiled a proposal on Michelle Obama’s birthday to further roll back the school lunch nutritional standards she had championed.⁴² As one columnist noted, “[t]hrough the reasons being given for the move include cutting food waste, the potato lobby appears to be one of the real forces at work.”⁴³ Nothing ever came out of this rulemaking, even after the comment period was extended due to the COVID-19 pandemic.⁴⁴

During the COVID-19 pandemic, the Trump Administration faltered in implementing a Pandemic-EBT program of payments to families to make up for the loss of subsidized – or free – school lunches for children who could not attend school in-person.⁴⁵ In its first month, the Biden Administration worked to simplify the payment distribution, “and at a higher payment rate than under the Trump administration.”⁴⁶

41. *Id.* at 559.

42. See Lola Fadula, *Trump Targets Michelle Obama’s School Nutrition Guidelines on Her Birthday*, N.Y. TIMES (Jan. 17, 2020), <https://www.nytimes.com/2020/01/17/us/politics/michelle-obama-school-nutrition-trump.html>.

43. Karen Tumulty, *Trump took aim at kids’ nutrition. He picked the wrong food fight*, WASH. POST (Jan. 20, 2020, 11:25 AM), <https://www.washingtonpost.com/opinions/2020/01/20/trump-has-picked-wrong-food-fight/>.

44. See Simplifying Meal Service and Monitoring Requirements in the National School Lunch and School Breakfast Programs; Extension of Comment Period, 85 Fed. Reg. 16273 (proposed Mar. 23, 2020) (to be codified at 7 C.F.R. Pts. 210, 215, 220, 226 & 235) (“The Food and Nutrition Service (FNS) is reopening the public comment period for this proposed rule, which was published on January 23, 2020.”).

45. See Helena Bottemiller Evich, *Low-income children wait months for USDA food aid to replace school meals*, POLITICO (Dec. 20, 2020, 7 AM) (“Millions of low-income schoolchildren have gone almost an entire semester without receiving federal payments to help their families buy groceries months after Congress authorized the aid — even as child hunger reaches record highs in the U.S.”).

46. Helena Bottemiller Evich, *Biden moves to give low-income families more money to buy food*, POLITICO (Jan. 29, 2020, 6:03 PM), <https://www.politico.com/news/2021/01/29/biden-food-aid-families-463857>.

II. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

Enactment of the Food Stamp Act of 1964 required some of President Johnson's legendary legislative skills. The legislative effort was originally killed in the U.S. House Appropriations Committee by a 19-14 vote only to be resurrected a month later.⁴⁷

As one columnist recounted:

To get the food stamp bill passed, Congressional leaders had to do some vote trading. It was twinned with the administration's cotton and wheat subsidy bill. The House Democratic leadership passed them over Republican opposition by forging an alliance between rural Southern Democrats, who cared about the farm bill but were, in some cases, leery of supporting a new welfare program, and urban Northern Democrats, who wanted food stamps but feared higher prices under the farm bill.⁴⁸

In signing the act into law, President Johnson declared that "the food stamp plan will be one of our most valuable weapons for the war on poverty."⁴⁹

Efforts to seriously pare back the food stamp program began under President Reagan, with one 1981 story reporting: "In a recent New York Times/CBS News poll, the food stamp program was rated the most unpopular social welfare program by a wide margin, and it is one of the prime targets of President Reagan's budget-cutting effort."⁵⁰ As that story noted, "The legend of the so-called 'welfare queen,' a heavy woman driving a big white Cadillac and paying for thick steaks with

47. C.P. Trussell, *Food stamp plan revived in House*, N.Y. TIMES (Mar. 5, 1964), <https://timesmachine.nytimes.com/timesmachine/1964/03/05/106943021.html?pageNumber=19>.

48. Anemona Hartocollis, *Unlikely Allies in Food Stamp Debate*, N.Y. TIMES (Oct. 16, 2010).

49. Remarks Upon Signing the Food Stamp Act., THE AMERICAN PRESIDENCY PROJECT, <https://www.presidency.ucsb.edu/documents/remarks-upon-signing-the-food-stamp-act>.

50. Steven V. Roberts, *Food stamps program: How it grew and how Reagan wants to cut it back*, N.Y. TIMES (Apr. 4, 1981), <https://www.nytimes.com/1981/04/04/us/food-stamps-program-it-grew-reagan-wants-cut-it-back-budget-targets.html>.

wads of food stamps, became a rhetorical staple for conservative politicians, including Ronald Reagan.”⁵¹

It was reported that “allegations of fraud are rampant, and Senator Jesse Helms, the North Carolina Republican who is the program’s most frequent critic, recently declared that many recipients follow the code that ‘it’s all right to rip off Uncle Sam because everyone is doing it.’”⁵²

In an editorial, the *New York Times* wrote that “[s]ince the Nixon Administration, it has been national policy to eliminate hunger. Food stamps have been a well-targeted way to meet that goal. Yet a million people in need will lose their food stamps altogether and most of the 22 million recipients will suffer reductions.”⁵³

As was true of the school lunch cuts under Reagan, the food stamp cuts would not have occurred without the support of a Democratic U.S. House.⁵⁴ In the Food, Conservation, and Energy Act of 2008,⁵⁵ the program was renamed the Supplemental Nutrition Assistance Program (SNAP),⁵⁶ and food stamps were to be referred to as “benefits.”⁵⁷ However destigmatizing that nomenclature, it did not seem to elevate the program with policymakers.

51. *Id.*

52. *Id.* Helms was a notorious racist who, among other things, sought to block the law honoring Martin Luther King, Jr. with a federal holiday, labeling King, Jr. a “Marxist-Leninist” despite strong Republican support for the measure. Helen Dewar, *Helms stalls King’s day in Senate*, WASH. POST (Oct. 4, 1983) (“When asked if his attack on King would cause him political trouble in North Carolina, where he faces a tough race for reelection next year, Helms said bluntly, ‘I’m not going to get any black votes, period.’”). In private, Helms reputedly referred to Black people as “Fred,” and tried to make a Black senator cry by singing “Dixie” when on an elevator with her. Ta-Nehisi Coates, *Why are there no black Republicans?*, THE ATLANTIC (July 7, 2008), <https://www.theatlantic.com/entertainment/archive/2008/07/why-are-there-no-black-republicans/5011/>.

53. Editorial, *The war against the poor*, N.Y. TIMES (Dec. 27, 1981), <https://timesmachine.nytimes.com/timesmachine/1981/12/27/147620.html?page-Number=139>.

54. See Tolchin, *supra* note 33.

55. Food, Conservation, and Energy Act of 2008, Pub. L. No. 110–246, 122 Stat. 1651.

56. See *id.* at § 4001.

57. See *id.* at § 4002.

In 2013 SNAP benefits were cut from the level set under the recession-driven American Recovery and Reinvestment Act of 2009,⁵⁸ which had increased them by 13.6 percent over their 2008 level.⁵⁹ David Dayen, the executive editor of *The American Prospect*, noted a press release from then-House Minority Leader Nancy Pelosi (D., Calif.) bemoaning this cut, but wrote that

before Democrats completely rewrite the history of this body blow to the poor, a review of the facts would be in order. The seeds of this current food-stamp cut were sown by multiple deals made when Democrats held both chambers of Congress and the White House. They used money from the food-stamp program to pay for other priorities like education, health care and the school lunch program, all the while assuring that they would eventually restore the cuts. Those promises were broken, the crocodile tears from the left side of the aisle mask the bipartisan nature of slashes to this essential program, which currently provides nutrition assistance for nearly one in six Americans.⁶⁰

Dayen wrote that “[t]he increased SNAP benefit was supposed to phase out gradually, by letting inflation catch up to the higher benefit level. Because of smaller-than-expected increases in food prices, the money allocated in 2009 would have lasted until at least 2016.”⁶¹ However, Democrats, instead of raising revenue, used the SNAP money as a “pay-for” for other programs – including, ironically, the Healthy, Hunger-Free Kids Act of 2010.⁶² Emboldened majority House Republicans would in 2013, pass a farm bill without any SNAP

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

59. *See id.* at § 101(1) (“Beginning the first month that begins not less than 25 days after the date of enactment of this Act, the value of benefits . . . shall be calculated using 113.6 percent of the June 2008 value[.]”).

60. David Dayen, *The Democrats’ Original Food-Stamp Sin*, AM. PROSPECT (Nov. 6, 2013), <https://prospect.org/power/democrats-original-food-stamp-sin/>.

61. *Id.*

62. *Id.*

funding – reportedly the first time since 1973 such funding had been omitted entirely.⁶³

The bipartisan neglect would continue. As a 2014 *Washington Post* editorial noted, Congress “sent a \$956 billion farm bill larded with subsidies for agribusiness to President Obama, who issued a statement Tuesday praising it.”⁶⁴ It noted that under the bill’s farm subsidies, “people making up to \$900,000 in adjusted gross annual income can qualify for payments. Why would a president concerned about inequality endorse such welfare for the prosperous?”⁶⁵ In contrast to the largesse for agribusiness the bill cut SNAP payments by \$8 billion, reducing “benefits for about 850,000 households nationwide, according to estimates by the Congressional Budget Office.”⁶⁶

The SNAP cut in the 2014 Farm Bill was so onerous that some states sought to make up for it. In the state of Washington, for example, Governor Jay Inslee (D.) announced a plan to in April 2014 to restore \$70 million in annual funding for 200,000 Washington households by joining other Democrat-led states in utilizing a “heat and eat” maneuver where SNAP benefits were preserved if the state provided heating aid to beneficiaries.⁶⁷

Such maneuvering had already prompted the conservative *Wall Street Journal* editorial page to grouse that “[i]t’s been merely a month since Congress passed a putatively slimmer \$1 trillion farm bill, and, surprise, Democrats have already wiped out most of its speculative \$800 million in savings this year by gaming new food-stamp eligibility

63. See Rich Morin, *The politics and demographics of food stamp recipients*, PEW RES. CTR. (July 12, 2013), <https://www.pewresearch.org/fact-tank/2013/07/12/the-politics-and-demographics-of-food-stamp-recipients/>.

64. Editorial, *In Congress’s farm bill, the rich get richer*, WASH. POST (Feb. 4, 2014), https://www.washingtonpost.com/opinions/in-congresss-farm-bill-the-rich-get-richer/2014/02/04/331443a8-8dd7-11e3-833c-33098f9e5267_story.html.

65. *Id.*

66. Ed O’Keefe, *Farm bill passes after three years of talks*, WASH. POST (Feb. 4, 2014, 3:03 PM), <https://www.washingtonpost.com/news/post-politics/wp/2014/02/04/farm-bill-passes-after-three-years-of-talks/>.

67. Kyung M. Song, *State to aid low-income families to protect food-stamp benefits*, SEATTLE TIMES (Apr. 10, 2014, 9:01 PM), <https://www.seattletimes.com/seattle-news/state-to-aid-low-income-families-to-protect-food-stamp-benefits/>.

rules. Republicans look like rubes for buying this dressed-up turkey.”⁶⁸ It was reported that “House Speaker John Boehner railed against the states’ actions.”⁶⁹ As that account related:

Since the passage of the farm bill, states have found ways to cheat, once again, on signing up people for food stamps,’ the Ohio Republican told reporters March 12. “And so I would hope that the House would act to try to stop this cheating and this fraud from continuing.”⁷⁰

In 2018, then-U.S. House Speaker Paul Ryan (R., Wisc.) tried, and failed, to cut SNAP benefits in the farm bill, with reporting noting that “[t]he compromise bill released by House and Senate agriculture leaders . . . is stripped of every controversial proposal the House GOP wanted on food stamps. The most significant concession was on an effort to impose stricter work requirements on millions of able-bodied adults who receive benefits.”⁷¹

68. Editorial, *Cheat and eat food stamps*, WALL ST. J. (Mar. 9, 2014, 7:34 PM), <https://www.wsj.com/articles/SB10001424052702304360704579417341357603558> (“Republicans should have foreseen this Democratic cheat and eat, but many cared more about preserving fat subsidies for farmers than fixing food-stamp abuses. Once again, national taxpayers are footing a bipartisan meal ticket.”).

69. Bill Tomson, *GOP memo: SNAP cuts will stand*, POLITICO (Mar. 21, 2014, 3:14 PM), <https://www.politico.com/story/2014/03/food-stamp-cuts-republicans-104900>.

70. *Id.*

71. Helena Bottemiller Evich, Catherine Boudreau & Liz Crampton, *How Paul Ryan is selling his food stamp loss*, POLITICO (Dec. 11, 2018, 10:25 PM), <https://www.politico.com/story/2018/12/11/paul-ryan-snap-food-stamps-welfare-congress-1023334> (“The farm bill is usually a major bipartisan effort that unites urban and rural lawmakers over food stamps and farm subsidies. But in recent years, it has become an ideological platform for conservatives to try to slash the Supplemental Nutrition Assistance Program.”). As one critic of Ryan’s efforts wrote, “there’s little to no evidence that the availability of foods stamps is discouraging a meaningful number of people from working. No matter what Ryan says, the American safety net is not a hammock.” Jordan Weissmann, *And Now, For His Grand Finale, Paul Ryan Is Trying to Kick at Least a Million People Off of Food Stamps*, SLATE (May 11, 2018, 12:06 PM), <https://slate.com/business/2018/05/paul-ryan-is-trying-to-kick-a-million-people-off-food-stamps.html>.

With the legislative effort having failed, President Trump sought to implement a work requirement rule that his own Department of Agriculture acknowledged would have “led to nearly 700,000 people losing their Supplemental Nutrition Assistance Program benefits, formerly known as food stamps.”⁷² The Trump Administration had projected that its “rule is expected to reduce SNAP benefit payments by an average of about \$1.1 billion per year.”⁷³ In *District of Columbia vs. Department of Agriculture*,⁷⁴ a U.S. District Court judge, Beryl A. Howell, issued an injunction to the rule in March 2020, noting: “USDA proceeded in the challenged Final Rule to adopt changes that, in some respects, were more draconian than those initially proposed. Although the hundreds of thousands of low-income individuals who stand to lose their benefits had little direct voice in that rule making process, the process exists to protect them and ensure that the agency cannot terminate their benefits arbitrarily.”⁷⁵

The Families First Coronavirus Response Act,⁷⁶ enacted into law in March 2020, suspended restrictions upon SNAP eligibility during “a public health emergency declaration by the Secretary of Health and Human Services[.]”⁷⁷

In an October 2020 decision,⁷⁸ Judge Howell invalidated the Trump Administration’s rule altogether, writing of the Department of Agriculture that “[t]he agency has been icily silent about how many . . . would have been denied SNAP benefits had the changes sought in the Final Rule been in effect while the pandemic rapidly spread across the country and congressional action had not intervened to suspend any

72. Lola Fadula, *Trump Backs Off Tougher Food Stamp Work Rules for Now*, N.Y. TIMES (Apr. 10, 2020), <https://www.nytimes.com/2020/04/10/us/politics/trump-food-stamps-delay.html>.

73. Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 66782, 66807 (Dec. 5, 2019) (to be codified at 7 C.F.R. pt. 273).

74. *District of Columbia v. U.S. Dep’t of Agric.*, 444 F. Supp. 3d 1 (D.D.C. 2020).

75. *Id.* at 6.

76. Families First Coronavirus Response Act, Pub. L. No. 116-127, 134 Stat. 178 (2020).

77. *See id.* at § 2301.

78. *District of Columbia v. U.S. Dep’t of Agric.*, No. 20-cv-00119, 2020 U.S. Dist. LEXIS 192508 (D.C. Oct. 28, 2020).

time limits on receipt of those benefits.”⁷⁹ The judge noted that “[n]otwithstanding the comments alerting the agency to the adverse disparate impact of the Final Rule on minorities, women and persons with disabilities, USDA essentially kicked this problem bucket down the proverbial road[.]”⁸⁰ Finding the agency’s actions arbitrary and capricious, the judge wrote that

[a]s with USDA’s dismissive treatment of the increased costs and administrative burdens to States’ resulting from the Final Rule, the agency’s recognition of the disparate impact on protected groups, without any meaningful discussion of the issue in the context of alternatives to the rule’s policy choices, points to the agency’s failure to ‘consider an important aspect’ of the effects of the Rule.⁸¹

Meanwhile, in a cruel juxtaposition, President Trump required that food boxes delivered to families in need during the COVID-19 pandemic – part of a “Farmers to Families Food Box Program” – contain a letter from him taking credit.⁸² His daughter, Ivanka, reportedly also took credit for the program, into the last days of her father’s presidency, “through events, social media posts and photo ops, contributing to speculation that she’s looking to launch her own political career in Florida, her father’s soon-to-be home and one that Trump won in both 2016 and 2020.”⁸³

III. THE RACIAL DYNAMICS OF USDA HUNGER PROGRAMS

While anti-hunger programs faced threats, agribusiness thrived under President Trump – with Democratic support.

79. *Id.* at *7.

80. *Id.* at *100.

81. *Id.* at *101 (citations omitted).

82. Helena Bottemiller Evich, *Trump requires food aid boxes to come with a letter from him*, POLITICO (Oct. 1, 2020, 8:53 AM), <https://www.politico.com/news/2020/10/01/trump-letter-food-aid-boxes-424230> (“The move is the latest example of Trump using the levers of government and taxpayer dollars for self-promotion as he runs for re-election.”).

83. Helena Bottemiller Evich & Sabrina Rodriguez, *Trump team tries to milk the politics of food boxes to its final days*, POLITICO (Jan. 19, 2021, 4:30 AM), <https://www.politico.com/news/2021/01/19/ivanka-trump-promotes-usda-food-boxes-460205>.

Due to bailouts for farmers attributable to the tariffs imposed in Trump's trade war with China, big agribusiness gained disproportionately – \$67 million alone went to the U.S. subsidiary of a Brazilian meat processor in 2019.⁸⁴ Indeed, utilizing the New Deal-era Commodity Credit Corporation, it was reported that “[t]he billions paid out to farmers far eclipsed the massive 2008 auto bailout, and accounted for 40 percent of farm income in 2020.”⁸⁵

Using the pretext of the COVID-19 pandemic, agribusiness was able to lobby for another “as much as \$23.5 billion in assistance” in an election year relief bill President Trump signed that gave “broad leeway to Agriculture Secretary Sonny Perdue to direct it where he sees fit.”⁸⁶ Of this total, \$9.5 billion was “to support farmers, including livestock producers, suppliers of farm markets and producers of specialty crops” but, even with Democrats controlling the House, “Congress imposed almost no limit on how Mr. Perdue spends the money, suggesting only that the \$9.5 billion chunk be used to support a wide range of agricultural producers.”⁸⁷

This unconditional stockpile of money gave Perdue ammunition on the campaign trail for Trump in 2020, as he reportedly “increasingly blurred the lines between his public duties and his political support for Trump,” finally resulting in an ethics reprimand from the Office of Special Counsel: “At an event with Trump and North Carolina food producers in August, meant to showcase the Agriculture Department’s

84. Maggie Haberman & Alan Rappeport, *Farm Bailout Paid to Brazilian Meat Processor Angers Lawmakers*, N.Y. TIMES (Feb. 7, 2020), <https://www.nytimes.com/2020/02/07/us/politics/farm-bailout-jbs.html>.

85. Liz Crampton, *A \$30B fund sitting inside USDA tees up a tug-of-war*, POLITICO (Jan. 31, 2021, 11:26 AM), <https://www.politico.com/news/2021/01/31/usda-agriculture-tug-of-war-463843> (noting that “the Agriculture Department’s allocation of trade aid payments, which went largely to the nation’s biggest row-crop farming operations, ran into criticism from Democrats on Capitol Hill. But Congress never attached any terms to how the money was spent[.]”).

86. Eric Lipton & Sharon LaFraniere, *For Farmers, Stimulus Bill Means Subsidies Continue to Flow*, N.Y. TIMES (Mar. 30, 2020), <https://www.nytimes.com/2020/03/27/us/politics/coronavirus-stimulus-bill-farmers.html>.

87. *Id.*

coronavirus relief efforts, Perdue offered a lengthy endorsement of the president that sent the audience into a chant of ‘Four more years!’”⁸⁸

How did the USDA evolve into an entity that could freely bestow taxpayer money upon a Brazilian meat processor but begrudge feeding the hungry?

In seeking to cut SNAP benefits, Republicans have used as a template President Bill Clinton’s signing “welfare reform” – the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 – into law.⁸⁹ That law created the “created the Temporary Assistance for Needy Families, or TANF, program” and

based on several studies of TANF and its beneficiaries, it barely reaches even the poorest Americans, and has all but ceased doing the work of lifting people out of poverty. “Welfare reform” didn’t fix welfare so much as destroy it, and if similar changes were applied to Medicaid and food stamps, they would likely do the same.⁹⁰

This result was entirely foreseeable – indeed, key Clinton Administration officials resigned in protest of Clinton’s decision to sign the

88. Ryan McCrimmon, *Perdue rebuked for violating ethics law by boosting Trump’s reelection*, POLITICO (Oct. 8, 2020, 1:58 PM), <https://www.politico.com/news/2020/10/08/perdue-ethics-trump-reelection-428018>. It was reported that:

Democrats and watchdog groups also allege that the bailout programs designed by Perdue’s office have disproportionately benefited Southern states and larger farms. A report from the Government Accountability Office last month showed that under the 2019 trade aid program, the average payment to producers in Georgia, Perdue’s home state, was more than \$42,500 — the highest rate of any state and more than double the national average of \$16,500.

Ryan McCrimmon, *Sonny Perdue fuels ethics scrutiny as Trump’s rural envoy*, POLITICO (Oct. 5, 2020, 4:30 AM), <https://www.politico.com/news/2020/10/05/perdue-trump-ethics-agiculture-425661>.

89. See *Personal Responsibility and Work Opportunity Act of 1996*, Pub. L. No. 104-193, 110 Stat. 2105 (1996).

90. Vann R. Newkirk II, *The Real Lessons From Bill Clinton’s Welfare Reform*, THE ATLANTIC (Feb. 5, 2018), <https://www.theatlantic.com/politics/archive/2018/02/welfare-reform-tanf-medicare-food-stamps/552299/> (“TANF only provides cash assistance to about 23 percent of all families in poverty, a record low compared with AFDC’s pre-reform height, when over three-quarters of all poor families received cash benefits.”).

law.⁹¹ Because benefits paid directly from the federal government to beneficiaries were transformed into block grants to states, “[t]he availability of the money as a kind of slush fund for states — if only they don’t use it on actual welfare — additionally creates an incentive for states to discourage potential beneficiaries from applying.”⁹²

Furthermore, the Clinton law had placed new limitations upon food stamp recipients, including work requirements, such as stating that “no individual shall be eligible to participate in the food stamp program as a member of any household if, during the preceding 36-month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise) during which the individual did not” meet certain work requirements — unless the individual met exception categories.⁹³

91. See Barbara Vobejda & Judith Havemann, *2 HHS Officials Quit Over Welfare Changes*, WASH. POST (Sept. 12, 1996), <https://www.washingtonpost.com/wp-srv/national/longterm/welfare/quit.htm>. Moreover, according to one account, “Secretary of Health and Human Services Donna Shalala wanted a veto, Secretary of Labor Robert Reich wanted a veto, Treasury Secretary Robert Rubin wanted a veto, Secretary of Housing and Urban Development Henry Cisneros wanted a veto, Chief of Staff Leon Panetta wanted a veto.” Dylan Matthews, “*If the goal was to get rid of poverty, we failed*”: the legacy of the 1996 welfare reform, VOX (June 20, 2016, 9:10 AM), <https://www.vox.com/2016/6/20/11789988/clintons-welfare-reform>.

92. Dylan Matthews, “*If the Goal Was to Get Rid of Poverty, We Failed*”: The Legacy of the 1996 Welfare Reform, Vox (June 20, 2016, 9:10 AM), <https://www.vox.com/2016/6/20/11789988/clintons-welfare-reform>.

93. Personal Responsibility and Work Opportunity Act of 1996, Pub. L. No. 104-193 § 824, 110 Stat. 2105, 2323-24 (1996). “Mr. Clinton said that the food stamp cuts and the restrictions on benefits for legal immigrants had ‘nothing to do with welfare reform’ and were simply intended to help balance the Federal budget.” Robert Pear, Clinton to sign welfare bill that ends U.S. aid guarantee and gives states broad power, N.Y. TIMES (Aug. 1, 1996), <https://www.ny-times.com/1996/08/01/us/clinton-sign-welfare-bill-that-ends-us-aid-guarantee-gives-states-broad-power.html>. As reporting noted:

Among the Democrats dismayed by Mr. Clinton’s decision was Representative John Lewis of Georgia. Just before the House approved the bill, Mr. Lewis addressed the chamber in anguished tones. “Where is the compassion?” he asked. “Where is the sense of decency? Where is the heart of this Congress? This bill is mean. It is base. It is downright lowdown. What does it profit a great nation to conquer the world, only to lose its soul?”

Id.

President Trump used Clinton's example in pushing for more fulsome work requirements, including for beneficiaries of other safety net programs.⁹⁴ In a 2018 executive order euphemistically entitled "Reducing Poverty in America by Promoting Opportunity and Economic Mobility," Trump declared that

many of the programs designed to help families have instead delayed economic independence, perpetuated poverty, and weakened family bonds. While bipartisan welfare reform enacted in 1996 was a step toward eliminating the economic stagnation and social harm that can result from long-term Government dependence, the welfare system still traps many recipients, especially children, in poverty and is in need of further reform and modernization in order to increase self-sufficiency, well-being, and economic mobility.⁹⁵

The solution, in Trump's view, relied upon antique conservative thinking, including promoting "strong social networks as a way of sustainably escaping poverty (including through work and marriage)"⁹⁶ – as if the average recipient of SNAP benefits, say, was simply a lazy spinster.

At the root of all of this is race. Farmers are overwhelmingly white, with farmers of color feeling overlooked by the USDA.⁹⁷ Even under President Obama, research found that "less than 0.2 percent of USDA's \$5.7 billion loans in 2015 went to Black farmers[.]"⁹⁸ Under Obama's Agriculture Secretary Tom Vilsack – chosen for the same role by President Joe Biden – it was reported that "Black farm organizations and advocates say Vilsack squandered eight years of opportunity to address long-standing complaints of discrimination in access

94. Tara Golshan, *Trump wants to slash welfare with stricter work requirements*, VOX (Apr. 10, 2018, 7:55 PM), <https://www.vox.com/2018/4/10/17221292/trump-welfare-executive-order-work-requirements>.

95. Exec. Order No. 13,828, 83 Fed Reg. 15941 (Apr. 13, 2018).

96. *Id.*

97. Helena Bottemiller Evich, Ximena Bustillo & Liz Crampton, *Black farmers, civil rights advocates seething over Vilsack pick*, POLITICO (Dec. 9, 2020, 7:47 PM), <https://www.politico.com/news/2020/12/09/black-farmers-tom-vilsack-agriculture-usda-biden-cabinet-444077>.

98. *Id.*

to USDA loans and other programs.”⁹⁹ Following his service in the Obama Administration, Vilsack had a fantastically lucrative run as a farm trade organization executive.¹⁰⁰

We should also consider the *types* of farming we are subsidizing. As two experts write:

[S]ince the 1970s the U.S. food system has been hyper-focused on scaling up agricultural production over sustainably producing diverse, nutritious, local food. Today, the overwhelming majority of farms in this country produce just two crops – corn and soybeans – the four largest beef packers control 80% of the market and only 13 slaughterhouses process the majority of all beef consumed in the U.S.¹⁰¹

In contrast to farmers, beneficiaries of the Department’s anti-hunger programs are predominantly people of color.¹⁰² A federal report found that “[o]f the 122 million households in the United States in 2018, about 11.3 percent (14 million households) received SNAP benefits at

99. Laura Reiley, *Tom Vilsack’s nomination as agriculture secretary reopens old wounds for Black farmers*, WASH. POST (Jan. 14, 2020, 7:00 AM), <https://www.washingtonpost.com/business/2021/01/14/vilsack-usda-black-farmers/>.

100. See Cary Spivak, *Ex-agriculture secretary Tom Vilsack is the top paid executive at Dairy Management*, MILWAUKEE J.-SENTINEL (Jan. 7, 2020, 11:03 AM), <https://www.jsonline.com/story/news/special-reports/dairy-crisis/2019/12/02/former-secretary-agriculture-tom-vilsack-top-paid-dairy-management-exec/4265818002/> (“Former U.S. Secretary of Agriculture Thomas Vilsack last year became the highest paid executive at Dairy Management Inc, with his pay coming within \$579 of topping \$1 million.”). Dairy farmers are legally compelled to pay into the nonprofit organization for promoting milk and dairy products, and, “[i]n 2017, a year in which 503 dairy farms closed in Wisconsin and 1,600 were shuttered nationwide, IRS records showed the top 10 executives at the organization were paid more than \$8 million — an average of more than \$800,000 each, the Journal Sentinel found.” *Id.*

101. Tom Colicchio & Pierre Ferrari, *We Can End Hunger in America—If We’re Willing to Make Significant Changes to Our Food System*, TIME (Jan. 29, 2021, 8:41 AM), <https://time.com/5933677/covid-food-system/>.

102. See Tracy A. Loveless, Supplemental Nutrition Assistance Program (SNAP) Receipt for Households: 2018, U.S. Census Bureau (June 2020), <https://www.census.gov/content/dam/Census/library/publications/2020/demo/acsbr20-01.pdf>.

some point during the year[.]”¹⁰³ Just 45% of the householders receiving SNAP benefits were white alone – and “not Hispanic or Latino” – while 26.6% were Black, and 22.3% were of “Hispanic or Latino origin” with other racial groups making up the rest.¹⁰⁴ The benefits are not lavish, averaging \$251 per household in 2018.¹⁰⁵ Reportedly, “the average SNAP benefit for each member of a household was \$129 per month in fiscal year 2019.”¹⁰⁶ Imagine feeding yourself for less than \$4.25 a day.

In exchange for this pittance, SNAP recipients have faced stigmatization and arbitrary hurdles proposed by Republicans, including proposals that they be tested for drugs as a condition of receiving benefits.¹⁰⁷ The idea of fraud in such programs had gained currency in Ronald Reagan’s oft-repeated anecdotes about a “welfare queen” who, far from being the lazy Black woman depicted, in real life passed as white.¹⁰⁸ Indeed, racially-coded rhetoric about SNAP fraud ignores the fact that one of the largest, organized SNAP fraud cases involved a white fundamentalist Mormon polygamist sect.¹⁰⁹ While the racism behind USDA policies has perhaps been more genteel than that artic-

103. *Id.* at 1.

104. *Id.* at 3.

105. *Id.* at 1.

106. See Christianna Silva, *Food Insecurity In The U.S. By The Numbers*, NPR (Sept. 27, 2020, 4:30 PM), <https://www.npr.org/2020/09/27/912486921/food-insecurity-in-the-u-s-by-the-numbers>.

107. See Juliet Linderman & Jonathan Lemire, *Drug testing plan considered for some food stamp recipients*, ASSOCIATED PRESS (Apr. 11, 2018), <https://apnews.com/article/6f5adff5efeb4f9a9075f76bf9cf5572>.

108. See Gene Demby, *The Truth Behind The Lies Of The Original ‘Welfare Queen’*, NPR (Dec. 20, 2013, 5:03 PM), <https://www.npr.org/sections/codeswitch/2013/12/20/255819681/the-truth-behind-the-lies-of-the-original-welfare-queen>.

109. See Nate Carlisle, *Polygamist Lyle Jeffs pleads guilty in food stamp fraud, absconding case*, SALT LAKE TRIB. (Sept. 20, 2017, 7:06 PM) (“Lyle Jeffs, the lead defendant in what prosecutors have called a conspiracy by the polygamous FLDS church to defraud the food stamp program, pleaded guilty to two charges Wednesday.”).

ulated by former Agriculture Secretary Earl Butts, whose 1976 resignation from President Gerald Ford's administration was compelled by a racist remark,¹¹⁰ it has been pervasive.

A longstanding priority of former Wisconsin Governor Scott Walker, a Republican, was to make Wisconsin the first state to require drug testing of recipients of SNAP benefits.¹¹¹ Eleven other governors had reportedly asked the federal government in 2016 for permission to do this, even though the cost of the testing would seem to exceed whatever conceivable benefit might be derived by conducting it – Walker's own administration estimated that only .3 percent of applicants for SNAP benefits would test positive.¹¹² In other words, a presumption of criminality would have applied to the 99.7% of Wisconsin SNAP beneficiaries not using drugs. In 2018 three states still enforced a lifetime ban on SNAP benefit eligibility for drug felons, belying any notion of rehabilitation through incarceration – the ban was a remnant of the Clinton “welfare reform” that most states had abandoned.¹¹³

The COVID-19 pandemic has not brought an end to the cruelty toward SNAP benefit recipients. Consider the actions of Tennessee Governor Bill Lee, a Republican, in the face of hunger exacerbated by COVID-19. In August 2020, under the guise of preventing fraud, Lee's policies, imposing an application requirement absent in other states, reportedly resulted in the fact that “[a]round 60% of Shelby

110. Under Presidents Nixon and Ford, Butts was “was the best known secretary of agriculture since Henry A. Wallace in the Depression days” – favoring big agribusiness and committed to undoing Wallace's New Deal policies – but his own undoing came when he made a “made a remark in which he described blacks as ‘coloreds’ who wanted only three things – satisfying sex, loose shoes and a warm bathroom – desires that Mr. Butz listed in obscene and scatological terms.” Richard Goldstein, *Earl L. Butz, secretary felled by racial remark, is dead at 98*, N.Y. TIMES (Feb. 4, 2008).

111. Scott Bauer, *Walker moving ahead with plan to drug test food stamp users*, ASSOCIATED PRESS (Dec. 4, 2017), <https://apnews.com/article/e10379dab3424ba7b9ec3c2e1186230c>.

112. *Id.*

113. See Molly Born, *In Some States, Drug Felons Still Face Lifetime Ban On SNAP Benefits*, NPR (June 20, 2018, 10:02 AM) (“Research shows the ban disproportionately affects poor people and also sets up drug offenders to be rearrested.”) (hyperlink omitted).

County families eligible for \$250 in nutrition assistance under the Pandemic Electronic Benefit Transfer (P-EBT) program, will not receive it[.]”¹¹⁴ Not only were these families to suffer, but the state was to surrender an estimated \$60 million in federal funding coming into its economy.¹¹⁵

Majority Republicans in Iowa’s legislature also worked in 2021 to erect barriers against food assistance, by setting up burdensome eligibility requirements, and advocates for those in need expressed concern:

More Iowans than ever before are turning to our food pantries, our churches, and our private nonprofits for help right now,” said John Boller, executive director of the Coralville Community Food Pantry. “Public assistance programs are critical in getting Iowans extra help that food pantries and churches simply cannot provide.”¹¹⁶

In 2020, a COVID-19 relief bill proposed by majority Republicans in the U.S. Senate would have included no additional SNAP funds, but, in a cruel contrast, “double the tax deduction for business meals,

114. Sarah Macaraeg, *Around 60% of eligible Shelby families won’t receive P-EBT food aid after TN’s deadline*, MEM. COM. APPEAL (Aug. 14, 2020, 5:30 PM), <https://www.commercialappeal.com/story/news/2020/08/14/deadline-today-250-food-assistance-all-scs-families-eligible/5583624002/>.

115. *Id.* As the article noted:

Congressman Steve Cohen, D-Memphis, criticized Gov. Bill Lee’s policy in requiring applications. “It makes no sense that the governor makes these people take this extra step,” Cohen said.

Sky Arnold, spokesperson for the Tennessee Department of Human Services, said that the application process helps prevent fraud.

Id. (hyperlink omitted). In another sad legacy of President Clinton’s “welfare reform,” by the end of 2020, Tennessee had also reportedly stockpiled, instead of spending, \$741 million in “Temporary Assistance for Needy Families funds – the largest reserve in the country.” Yue Stella Yu, *Tennessee Gov. Bill Lee appoints Trump administration official as new DHS commissioner*, NASHVILLE TENNESSEAN (Jan. 6, 2021, 3:16 PM), <https://www.tennessean.com/story/news/politics/2021/01/06/clarence-carter-tennessee-dhs-commissioner-tanf/6563929002/>.

116. Katarina Sostaric, *GOP Senators Advance Bill Requiring Additional Checks Of Public Assistance Eligibility*, IA PUB. RADIO (Feb. 15, 2021, 7:15 PM), <https://www.iowapublicradio.org/ipr-news/2021-02-15/gop-senators-advance-bill-requiring-additional-checks-of-public-assistance-eligibility>.

known as the ‘three-martini-lunch deduction,’ increasing the reimbursement from 50 percent to 100 percent of meals.”¹¹⁷ Not only can the morality of omitting a SNAP funding increase be debated, but the economic benefits of SNAP have been calculated as a \$1.70 return on every dollar spent – making it an efficient means of economic stimulus.¹¹⁸

This proposed neglect during the COVID-19 pandemic in 2020 was even more shocking given that “[f]rom February to May, the program grew by 17 percent, about three times faster than in any previous three months, according to state data collected by The New York Times.”¹¹⁹ According to the *Times* in July 2020, “[a]bout 43 million people — roughly one of every eight Americans — now receive SNAP, The Times found.”¹²⁰ For all of 2020, SNAP spending rose nearly 50% from the spending level in 2019.¹²¹ And yet, with that increase, people were also relying upon food banks more than ever.¹²² In Houston, for

117. Laura Reiley, *Senate GOP won’t extend pandemic food stamps but doubles ‘three-martini lunch’ deduction*, WASH. POST (July 28, 2020, 3:58 PM), <https://www.washingtonpost.com/business/2020/07/28/senate-gop-wont-extend-pandemic-food-stamps-doubles-three-martini-lunch-deduction/>.

118. See Li Zhou, *Congress expanded SNAP benefits during the last recession — and should do it again*, VOX (Dec. 19, 2020, 10 AM), <https://www.vox.com/22187583/congress-snap-stimulus-coronavirus-relief> (“Expanded SNAP benefits would help in a couple of ways: They could quickly get more money to people who need it, who could then spend it at grocery stores and other retailers, further bolstering the economy.”).

119. Jason DeParle, *Amid a Deadly Virus and Crippled Economy, One Form of Aid Has Proved Reliable: Food Stamps*, N.Y. TIMES (July 19, 2020), <https://www.nytimes.com/2020/07/19/us/politics/coronavirus-food-stamps.html> (the headline proves that renaming a program doesn’t change common parlance).

120. *Id.*

121. Helena Bottemiller Evich, *Food stamp spending jumped nearly 50 percent in 2020*, POLITICO (Jan. 27, 2021, 4:02 PM), <https://www.politico.com/news/2021/01/27/food-stamp-spending-2020-463241> (“The Trump administration had fallen behind on reporting data on SNAP participation, so the full picture of how the program expanded was not previously known.”).

122. See Sharon Cohen, *Millions of hungry Americans turn to food banks for 1st time*, ASSOCIATED PRESS (Dec. 7, 2020), <https://apnews.com/article/race-and-ethnicity-hunger-coronavirus-pandemic-4c7f1705c6d8ef5bac241e6cc8e331bb> (“An AP analysis of Feeding America data from 181 food banks in its network found the organization has distributed nearly 57 percent more food in the third quarter of the year, compared with the same period in 2019.”). The article notes that “[w]hile food

example, cars lined up outside a stadium for a free meal for the 2020 Thanksgiving holiday, and the *Washington Post* reported on “thousands of cars waiting in multiple lines outside NRG Stadium. The people in these cars represented much of the country. Old. Young. Black. White. Asian. Hispanic. Families. Neighbors. People all alone.”¹²³

Food insecurity is especially devastating for children, and became all the more painful during the pandemic in 2020, with a Brookings Institution scholar finding that “that an unprecedented number of children in the United States are experiencing food insecurity and did not have sufficient food as of late June.”¹²⁴ According to her data analysis, “[a]bout three in ten Black households with children and one in four Hispanic households with children did not have sufficient food due to a lack of resources in June 2020, while white households with children reported a child food insecurity rate just under 10 percent.”¹²⁵

Normally, students of color are disproportionately the beneficiaries of free or subsidized school lunches.¹²⁶ According to federal fall 2017 data, 45% of Black and Hispanic students – and 41% of Native American students – attended high-poverty schools “where more than 75.0 percent of the students are eligible for free or reduced-price lunch (FRPL)” while just 8% of white students attended such schools.¹²⁷

banks have become critical during the pandemic, they’re just one path for combating hunger. For every meal from a food bank, a federal program called the Supplemental Nutrition Assistance Program, or food stamps, provides nine.” *Id.*

123. Todd C. Frankel, Brittney Martin, et al., *A growing number of Americans are going hungry*, WASH. POST (Nov. 25, 2020), <https://www.washingtonpost.com/graphics/2020/business/hunger-coronavirus-economy/>.

124. Lauren Bauer, *About 14 million children in the US are not getting enough to eat*, BROOKINGS INSTITUTION (July 9, 2020), <https://www.brookings.edu/blog/up-front/2020/07/09/about-14-million-children-in-the-us-are-not-getting-enough-to-eat/>.

125. *Id.*

126. There is a certain irony in this, as the architect of the school lunch law, U.S. Senator Richard Russell (D., Ga.), was a leading opponent of school integration. See Gay, *supra* note 3, at 869. Yet he was at pains to ensure that the school lunch program did not discriminate against Black children. See Gay, *supra* note 3, at 870.

127. See *Concentration of Public School Students Eligible for Free or Reduced-Price Lunch*, NAT’L CTR. FOR EDUC. STAT. (May 2020), https://nces.ed.gov/programs/coe/indicator_clb.asp.

Yet it is not just children and young families that are the victims of food insecurity. During the COVID-19 pandemic, hunger rose significantly among the elderly – with food insecurity rates among senior in New York City alone doubling, to one in five seniors, according to a study conducted by FoodBank NYC.¹²⁸

Life is not quite as challenging for the executives of the agribusiness conglomerates the USDA has favored.¹²⁹ Consider, for example, JBS – the Brazilian meat conglomerate that reaped so much reward under the Trump Administration – despite the fact that two of its former top executives, part of a family that remained the company’s largest shareholder, had pled guilty to corruption in Brazil.¹³⁰

Again, the recipients of farm subsidies are overwhelmingly white. Today Black farmers own 1.6% of all farms in the U.S., and, according to U.S. Senator Cory Booker (D., N.J.), “[i]n 1920, there were nearly 1 million Black farmers in the United States, but today there are fewer than 50,000.”¹³¹ There are over twice as many Latinx farmers, though

128. Cynthia McFadden, Emily R. Siegel & Kevin Monahan, *Hidden hunger: Elderly hunger is on the rise during Covid*, NBC NEWS (Jan. 17, 2021, 6 AM), <https://www.nbcnews.com/news/us-news/hidden-hunger-elderly-hunger-rise-during-covid-n1254415>.

129. *See Tyson Foods top six execs earn a combined \$38.524 million in 2019*, KATV.COM (Dec. 21, 2019), <https://katv.com/news/local/tyson-foods-top-six-execs-earn-a-combined-38524-million-in-2019>.

130. *See* Maggie Haberman & Alan Rappeport, *supra* note 84 (one shudders to imagine what it takes to even be charged with corruption in Brazil). Beyond inequities, there have been other consequences to our nation’s encouraging agricultural conglomeration through subsidization. As one writer noted:

The dramatic shift from small farms to large, factory-type farms led to a great deal of legal and environmental issues. These issues include disputes over soil erosion and sedimentation; water pollution through runoff from fields and livestock operations; chemical air pollution; inhumane animal management practices; and others. The U.S. Farm Bill’s use of ever-increasing subsidies produced these issues through its encouragement of large-scale, mono-culture megafarms.

Melanie J. Wender, *Goodbye Family Farms and Hello Agribusiness: The Story of How Agricultural Policy is Destroying the Family Farm and the Agricultural Policy is Destroying the Family Farm and the Environment*, 22 VILL. ENVTL. L. J. 141, 148 (2011) (internal citations omitted).

131. Ximena Bustillo, *Black farmers look to next Congress, Biden to dismantle ‘culture of discrimination’*, POLITICO (Jan. 1, 2021, 4:30 AM), <https://www.politico.com/news/2021/01/01/black-farmers-systemic-racism-453220>.

some perspective is helpful: “While Latinx people make up about 83 percent of field laborers in the U.S., they own only about 3 percent of the farms.”¹³² A welcome development in President Biden’s initial COVID-19 response legislation, the American Rescue Plan Act of 2021,¹³³ was historic assistance to farmers of color.¹³⁴

Farm subsidies are even showered upon those with only tenuous connections to farming. As one *Philadelphia Inquirer* article in January 2020 reported: “They don’t milk cows or plant corn, but nearly 900 Philadelphians have collected federal farm subsidies totaling \$3.2 million in the last 25 years.”¹³⁵ That was due to the fact that “under one arcane aspect of the program, money also is funneled to children, first cousins, nieces, and other relatives living far from the cabbage patch and pig pen.”¹³⁶ They need only claim “that they’re ‘actively engaged in farming,’ however remotely, by contributing ideas or planning. Their spouses, not connected to the farms in any way, are eligible for subsidies of their own too.”¹³⁷

As the relevant federal rule states:

132. Muna Danish, *More Latinx Farmers Own Their Land. Could They Make the Food System More Sustainable?*, CIVIL EATS (Apr. 15, 2019), <https://civileats.com/2019/04/15/ag-census-more-latinx-farmers-own-their-land-could-they-make-the-food-system-more-sustainable/>. President Biden placed a bust of Cesar Chavez, the late civil rights leader, and farm worker organizer, in a prominent spot in the Oval Office. See Andrea Salcedo, *Biden’s Cesar Chavez bust in the Oval Office signals a new era for Latinos, activists hope: ‘It shows that he’s authentic’*, WASH. POST (Jan. 21, 2021, 7:54 AM), <https://www.washingtonpost.com/nation/2021/01/21/cesar-chavez-biden-bust-ovaloffice/>.

133. American Rescue Plan Act of 2021, Pub. L. No. 117-2, 135 Stat. 4 (2021).

134. See Laura Reiley, *Relief bill is most significant legislation for Black farmers since Civil Rights Act, experts say*, WASH. POST (Mar. 8, 2021, 8:15 PM), <https://www.washingtonpost.com/business/2021/03/08/reparations-black-farmers-stimulus/> (“‘This is the most significant piece of legislation with respect to the arc of Black land ownership in this country,’ said Tracy Lloyd McCurty, executive director of the Black Belt Justice Center, which provides legal representation to Black farmers.”).

135. Alfred Lubrano, *Philadelphia ‘city slickers’ have received millions in federal farm subsidies over 25 years*, PHILA. INQUIRER (Jan. 26, 2020), <https://www.inquirer.com/news/farms-subsidies-crop-insurance-food-stamps-philadelphia-department-of-agriculture-20200126.html>.

136. *Id.*

137. *Id.*

[J]oint operations that included a first cousin, niece, or nephew were previously determined to be farming operations comprised of non-family members. With this change, a joint operation comprised of the newly expanded definition of family members would no longer be subject to the limitation of members qualifying on a management contribution alone, which increases the number of additional individuals eligible for payment within joint operations comprised solely of family members.¹³⁸

And yet we are to believe SNAP recipients are the problem?

IV. BRINGING EQUITY TO USDA HUNGER PROGRAMS

Racial justice was a key issue in the 2020 presidential campaign, with Joe Biden, the former vice president, acknowledging racial inequities, while President Trump – who had a fraught history of racist actions and statements – downplaying the issue.¹³⁹ Trump denounced racial justice “tyranny,” declared Black activism the work of mobs, and even decried teaching about slavery.¹⁴⁰ As part of a “1776 Commission” created by executive order,¹⁴¹ the outgoing Trump Administration released a racist revision of history as proposed school curriculum on Martin Luther King, Jr. Day in 2021.¹⁴²

138. Payment Limitation and Payment Eligibility, 85 Fed. Reg. 52033, 52034 (Aug. 24, 2020) (codified at 7 C.F.R. Pt. 1400). The rulemaking notes that this change was required by the 2018 Farm Bill, Pub. L. No. 115–334. *Id.*

139. See Justin Gomez, *Trump vs. Biden on the issues: Racial justice*, ABC NEWS (Sept. 29, 2020, 5:02 AM), <https://abcnews.go.com/Politics/trump-biden-issues-racial-justice/story?id=73145335> (noting “Trump has refused to acknowledge that systemic racism is a problem in the United States.”).

140. Nick Niedzwiadek, *Trump goes after Black Lives Matter, ‘toxic propaganda’ in schools*, POLITICO (Sept. 17, 2020, 5:00 PM), <https://www.politico.com/news/2020/09/17/trump-black-lives-matter-1619-project-417162>.

141. See Exec. Order No. 13958, 85 Fed. Reg. 70951 (Nov. 5, 2020) (“Despite the virtues and accomplishments of this Nation, many students are now taught in school to hate their own country, and to believe that the men and women who built it were not heroes, but rather villains.”).

142. See Maegan Vazquez, *Trump administration issues racist school curriculum report on MLK day*, CNN (Jan. 18, 2021, 7:52 PM), <https://www.cnn.com/2021/01/18/politics/1776-commission-report-donald-trump/index.html>.

One of President Biden's first executive orders was to declare it "the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality."¹⁴³ He directed that "each agency must assess whether, and to what extent, its programs and policies perpetuate systemic barriers to opportunities and benefits for people of color and other underserved groups. Such assessments will better equip agencies to develop policies and programs that deliver resources and benefits equitably to all."¹⁴⁴

The USDA will have a lot of work to do in meeting this objective.¹⁴⁵ In part, its policies will be shaped by U.S. Rep. David Scott (D., Ga.), who in December 2020 was chosen as the first Black chairman of the U.S. House Agriculture Committee.¹⁴⁶ And time will tell whether Tom Vilsack, in his second stint as USDA secretary, can be a change agent that meets the moment.¹⁴⁷

143. Exec. Order No. 13985, 86 Fed. Reg. 7009 (Jan. 25, 2021).

144. *Id.*

145. Pandering to agribusiness has not helped Democrats much politically. Trump crushed Biden in the farm state of Iowa, for example. See Ryan J. Foley, *Trump won 70% of Election Day vote in Iowa, swamping Biden*, DES MOINES REG. (Nov. 5, 2020, 1:16 PM), <https://apnews.com/article/election-2020-joe-biden-hillary-clinton-iowa-iowa-city-3652c57038446e453516b9370c1ab243>.

146. See Press Release, Congressman David Scott Named Chairman of House Agriculture Committee, Off. of U.S. Rep. David Scott (Dec. 3, 2020) ("I was born on my grandparents' farm in rural Aynor, South Carolina, during the days of segregation, and the hardships, of those, on whose shoulders I now stand. I owe this historic selection as the first African American Chairman of the House Agriculture Committee to a diverse coalition of members from across our nation."), <https://davidscott.house.gov/news/documentsingle.aspx?DocumentID=399460>.

147. In his prepared confirmation hearing opening statement before the U.S. Senate Agriculture, Nutrition & Forestry Committee, Vilsack stated:

The pandemic has also exposed the disturbing truth about hunger and nutrition insecurity in America. Today, 30 million adults and as many as 17 million children—more than 1 in 5 Black and Latino households—report they do not have enough food to eat. This, in and of itself, is an epidemic worthy of a coordinated, national response. That's why, if confirmed, I will work with this Committee and state and non-profit partners to remove barriers to access for anyone who

In his 1964 State of the Union speech, President Lyndon Johnson declared a “war on poverty”:

Unfortunately, many Americans live on the outskirts of hope, some because of their poverty and some because of their color, and all too many because of both.

Our task is to help replace their despair with opportunity.

And this Administration today, here and now, declares unconditional war on poverty in America, and I urge this Congress and all Americans to join with me in that effort.¹⁴⁸

But his initiative went beyond rhetoric. When Johnson introduced anti-poverty legislation in 1964, he recalled: “We did everything we could to keep the poor people in the headlines while the bill was in committee. Many Cabinet officers and other high-ranking Government officials took up the poor people’s cause in their speeches across the country, and they received good press coverage.”¹⁴⁹ Johnson himself toured impoverished parts of the country, even visiting families in shacks.¹⁵⁰

qualifies for federal nutrition assistance—SNAP, WIC, Pandemic-EBT, school meals and more.

To consider the following nomination: The Honorable Thomas J. Vilsack, of Iowa, to be Secretary of Agriculture Before the S. Comm. On Agric., Nutrition & Forestry, 117th Cong. (2021), https://www.agriculture.senate.gov/imo/media/doc/Testimony_Vilsack_02.02.2021.pdf.

148. *Texts of Johnson’s State of the Union Message and His Earlier Press Briefing*, N.Y. TIMES (Jan. 9, 1964), <https://www.nytimes.com/1964/01/09/archives/texts-of-johnsons-state-of-the-union-message-and-his-earlier-press.html>.

149. *By Lyndon B. Johnson: War on Poverty and the 1964 Campaign*, N.Y. TIMES (Oct. 19, 1971), <https://www.nytimes.com/1971/10/19/archives/by-lyndon-b-johnson-war-on-poverty-and-the-1964-campaign-a.html>.

150. See Marjorie Hunter, *President hailed on 5-state tour of poverty areas*, N.Y. TIMES (Apr. 25, 1964), <https://timesmachine.nytimes.com/timesmachine/1964/04/25/106962824.html?pageNumber=1>. Johnson may have been our last president to experience real childhood food insecurity. See *For LBJ, The War On Poverty Was Personal*, NPR (Jan. 8, 2014, 3:31 AM), <https://www.npr.org/2014/01/08/260572389/for-lbj-the-war-on-poverty-was-personal> (“Lyndon lived in a home that they were literally afraid every month that the bank might take away. There was often no food in the house, and neighbors had to bring covered dishes with food. In this little town, to be that poor, there were constant moments of humiliation for him, and insecurity.”).

Could we today bring such evangelical zeal in addressing poverty, given that currently it is fashionable in politics to speak of the middle class, not the poor?¹⁵¹ President Biden pledged that any household with less than \$400,000 in earnings would have tax cuts enacted under President Trump made permanent.¹⁵² That is a very lofty threshold for the “middle class,” given that the median household income in the United States was \$74,600 in 2018.¹⁵³ And even if we were to attempt to change course to focus on poverty, and addressing the hunger associated with it, do we have the attention span to do so amidst a 24/7 news media cycle, our own partisan media filters, and a distracting social media deluge?

Recent prior advocacy for food programs has not proved successful. In 2013 over two dozen Congressional Democrats took a “SNAP challenge” by eating on a budget of \$4.50 a day, equivalent to SNAP benefits, to protest SNAP cuts in the Democratic House’s farm bill.¹⁵⁴ House Democrats voted to cut SNAP benefits anyway.¹⁵⁵

151. President Biden had long self-styled himself politically as “middle class Joe.” See Scott Detrow, *‘Middle Class Joe’ No More: Biden Earned \$15 Million Since Leaving Office*, NPR (July 9, 2019, 5:41 PM), <https://www.npr.org/2019/07/09/740020635/middle-class-joe-no-more-biden-earned-15-million-since-leaving-office>.

152. Jim Tankersley, *Biden Wants to Raise Taxes, Yet Many Trump Tax Cuts Are Here to Stay*, N.Y. TIMES (Jan. 22, 2021), <https://www.nytimes.com/2021/01/22/business/economy/biden-trump-tax-law.html>.

153. Juliana Menasce Horowitz, Ruth Igielnik and Rakesh Kochhar, *Most Americans Say There Is Too Much Economic Inequality in the U.S., but Fewer Than Half Call It a Top Priority* 12, PEW RES. CTR. (Jan. 9, 2020), <https://www.pewresearch.org/social-trends/2020/01/09/trends-in-income-and-wealth-inequality/>. During the pandemic, stimulus checks were also showered upon those who were relatively well off, with a Democratic House supporting full checks for couples making up to \$150,000 a year. See Editorial, *Democrats’ targeted stimulus payments will still shower money on those who don’t need it*, WASH. POST (Mar. 3, 2021, 5:02 PM), https://www.washingtonpost.com/opinions/democrats-targeted-stimulus-payments-will-still-shower-money-on-those-who-dont-need-it/2021/03/03/3c43582c-7c4c-11eb-b3d1-9e5aa3d5220c_story.html (noting that “[f]unds Congress spends padding the bank accounts of people who aren’t poor, or even close to poor, are funds that won’t be available for other purposes[.]”).

154. Tal Kapan, *Hill Dems try to eat on \$4.50 a day*, POLITICO (June 14, 2013, 4:08 PM), <https://www.politico.com/story/2013/06/snap-challenge-hill-democrats-092825>.

155. See Editorial, *supra* note 64.

At the outset of the Biden Administration, the USDA increased the Pandemic-EBT benefit by approximately 15%, helping families with children missing meals due to school closures, and worked “to review its authority to allow states to provide extra SNAP benefits through Emergency Allotments to the lowest-income households.”¹⁵⁶ These were positive developments, but executive action can be ephemeral. One reform would be to make statutorily permanent the 15% increase in SNAP benefits initially provided for in the COVID-19 relief law passed in December 2020, which only amounts to roughly an extra \$25 per household member each month.¹⁵⁷ This increase was extended to September 2021 in the American Rescue Plan Act of 2021.¹⁵⁸

SNAP benefits have long been pitifully meager, and it should not take a pandemic to address that fact. Surely a federal government that can enshrine tax breaks for households that earn up to \$400,000 a year can increase SNAP benefits by \$100 a month for households of four with an annual income of \$25,600 or less.¹⁵⁹ If a moral case for doing the right thing is not enough, consider the economic argument.¹⁶⁰

156. See Press Release, Biden Administration Expands P-EBT to Benefit Millions of Low-Income and Food Insecure Children During Pandemic, U.S. DEP’T OF AGRIC. (Jan. 22, 2021), <https://www.usda.gov/media/press-releases/2021/01/22/biden-administration-expands-p-ebt-benefit-millions-low-income-and>.

157. See Annie Nova & Carmen Reinicke, *New stimulus package makes it easier to qualify for food stamps. Here’s what you need to know*, CNBC (Dec. 30, 2020, 1:04 PM), <https://www.cnn.com/2020/12/30/stimulus-bill-makes-food-stamps-more-generous-what-you-need-to-know.html> (This increase was to last six months).

158. American Rescue Plan Act of 2021, Pub. L. No. 117-2 §1101(a), 135 Stat. 4 (2021).

159. For SNAP benefits, under 7 C.F.R. §273.9 (a)(2)(i), the net “income eligibility standards for the 48 contiguous States and the District of Columbia, Guam and the Virgin Islands shall be the Federal income poverty levels for the 48 contiguous States and the District of Columbia.” For 2021, a family of four, under that criteria, is considered by the federal government to be in poverty if its household income is \$26,500 or less. See Annual Update of the HHS Poverty Guidelines, 86 Fed. Reg. 7732, 7733 (Feb. 1, 2021).

160. See Dorothy Rosenbaum, Stacy Dean & Zoë Neuberger, *The Case for Boosting SNAP Benefits in Next Major Economic Response Package*, CTR. FOR BUDGET & POL’Y PRIORITIES (May 22, 2020), <https://www.cbpp.org/sites/default/files/atoms/files/4-22-20fa.pdf> (“SNAP benefits are one of the fastest, most effective forms of economic stimulus because they get money into the local economy quickly for

This may not be the only reform that study of the issue of racial inequity and hunger produces. It will be incumbent upon the Biden Administration to make the statutory changes necessary to put USDA hunger programs on a solid footing.

two reasons: first, states can issue additional SNAP benefits to SNAP households without delay, and second, recipients will spend virtually all of the additional resources rather than save them.”).