

NO COSTS, NO EVIDENCE, NO REASONS: COMMENTS TO
PROPOSED SNAP RULE HCSUA REVISIONS. 12.01.19.

by

Dennis J. Wall

Sunday, December 1, 2019.

Re: FNS-2019-009.

RIN: 0584-AE69.

To the Food and Nutrition Service (FNS) and Department of Agriculture (USDA):

You published your latest Proposed SNAP rule revisions along with your commentary in the Federal Register, 84 F.R. 52809 - 52815. That is where you published your proposed revisions to pre-existing State Heating and Cooling Standard Utility Allowances (HCSUAs). You wrote that you propose to redefine HCSUAs.

1. *You did not estimate or evaluate the costs of your proposed change to beneficiaries of the pre-existing HCSUA rule. In order for you to make such changes, you are first required by law to estimate such costs. For this reason alone, your proposed HCSUA revisions are contrary to law and so invalid.*

You are given authority to propose and revise rules and regulations by Congress. Your authority does not extend to refusing to obey the Administrative Procedure Act.

The Administrative Procedure Act requires that you estimate and evaluate the costs of your proposals. This includes your proposed change to the HCSUAs. You have not reported any costs to the current beneficiaries of your proposed changes. It appears that you have not estimated any costs of your proposed revision to the people who benefit from the current rule governing HCSUAs.

For this reason alone, your proposed HCSUA revision is contrary to law and so invalid.

2. *Your proposed changes to the pre-existing HCSUA rule are unsupported by evidence. Your authority to make or change rules and regulations is limited to rules and revisions supported by evidence. For these reasons alone, your proposed HCSUA revisions are contrary to law and so invalid.*

You did not support your proposed changes to the pre-existing HCSUA rule with evidence. Your authority to make rules and change regulations is limited by the law with which Congress conferred authority upon you to do so. It is limited in pertinent part by your compliance with the Administrative Procedure Act.

The APA requires that you support all your proposals with evidence. You have not provided evidence at all for the changes you propose to the current HCSUA rule. For these reasons alone, your proposed changes are contrary to law and are invalid.

3. *Your proposed changes to the pre-existing HCSUA rule are unreasonable and irrational. For this reason alone, your proposed HCSUA revisions are contrary to law and so invalid.*

Your proposed changes to the pre-existing HCSUA rule are irrational. You report only that your proposed changes will benefit some States, and not others.

You do not provide any reasons for changing the pre-existing HCSUA rule.

For all these reasons, your proposed rule changes are unreasonable and invalid.

4. *Conclusion.*

For all these reasons, whether taken separately or together, your proposed rule is unreasonable under the Supplemental Nutrition Assistance Program: State Hearing and Cooling Standard Utility Allowances statutes and under the Administrative Procedure Act enacted by Congress, and rules previously issued by your agency. Your proposed rule should be withdrawn and rewritten before it is implemented, if ever. If it is implemented it should be struck down.

Thank you for your consideration.

Sincerely,

Dennis Wall