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August 21, 2026

The Honorable Brook L. Rollins
Secretary
United States Department of Agriculture
Via email: Tate.Bennett@usda.gov

Re: Modernizing SNAP's Right to File and Authorizing State Demonstration Projects

Dear Secretary Rollins:

On behalf of the United Council on Welfare Fraud (UCOWF), we respectfully request that the USDA make modernization of SNAP's "Right to File" a legislative priority, including in Administration amendment recommendations for the 2026 Farm Bill or the next available legislative vehicle.

UCOWF also asks USDA to support congressionally authorized state demonstration projects under which a SNAP application would not be considered officially filed, and federal processing-time standards would not begin, until the applicant provides a minimum set of information sufficient to identify the household and begin a meaningful eligibility determination.[1]

Existing law appears to prevent USDA from approving that core demonstration under its general pilot authority. The practical path is therefore a statutory amendment or an express congressional exception for demonstration projects.

About the United Council on Welfare Fraud

UCOWF is a national nonprofit professional association focused specifically on the prevention, detection, and prosecution of welfare fraud and on strengthening the integrity of public-assistance programs. Its members include state, local, territorial, and federal program-integrity professionals, including investigators, eligibility and quality-control staff, auditors, recovery personnel, and prosecutors. UCOWF brings operational experience to federal policy discussions affecting benefit accuracy, fraud prevention, and program administration.[2]

Current Law and How We Got Here

The Food and Nutrition Act requires a state SNAP agency to treat an application containing only the applicant's name, address, and signature as filed on the date submitted. USDA implements that requirement at 7 C.F.R. § 273.2(c)(1)(iii) and requires states to provide a means to begin the application process immediately with only those three elements.[3]

The rule now operates across paper, online, electronic, and, where offered, telephonic filing. For telephonic applications, recorded verbal assent can establish the filing date. Once filed, the state generally has 30 days to act, and qualifying expedited cases generally must receive benefits within seven days. Social Security numbers are required as part of certification for household members applying for benefits, but they are not required to establish the filing date.[4]

The policy arose in a paper-era effort to ensure that long application forms did not prevent households from establishing an application date. Congress addressed application access in the Hunger Prevention Act of 1988 and the Mickey Leland Memorial Domestic Hunger Relief Act of 1990. The current statutory name-address-signature rule was enacted in section 835 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. USDA's 2017 rulemaking later clarified that the same minimum filing right applies regardless of application technology.[5]

A legally filed application and a processable application are not the same thing.

Administrative Burden and Application Timeliness

A state must begin processing a filed application even when it lacks enough information to reliably identify the applicant, determine who is applying, screen for duplicate participation, evaluate citizenship or eligible noncitizen status, or establish a reliable means of contact.

For a minimally completed application, eligibility staff may have to:

- create and research a case with limited identifying information;
- attempt identity resolution and search for duplicate or prior participation;
- locate a working telephone number, email address, or valid mailing address;
- schedule and reschedule interviews, issue notices, and document unsuccessful contacts;
- request missing household and eligibility information and allow required response periods; and
- monitor the case against federal 7-day or 30-day timeliness standards before taking final action.

Federal rules also require states to take specified steps before a processing delay may be attributed to the household. Those obligations are appropriate when an applicant is actively completing a case, but they become inefficient when the state receives only the information necessary to establish a filing date and cannot meaningfully identify or contact the household.[6]

This workload competes with complete applications, renewals, change reports, data-match discrepancies, and quality-control corrective work. It can contribute to interview backlogs and processing delays for households that have already supplied the information needed to determine eligibility.

Modernization would not eliminate application assistance. It would distinguish an initial expression of interest from a minimum processable application that starts federal timeliness requirements.

Payment Accuracy, Fiscal Exposure, and Program Integrity

The issue is more consequential following enactment of Public Law 119-21. USDA reported a national SNAP payment error rate of 10.62 percent for fiscal year 2025, representing approximately $10.1 billion in improper payments. Based on USDA's reported totals, each percentage point of the national error rate represents roughly $951 million in inaccurate payments.[7]

Payment error rates are not fraud rates. They include agency errors, household reporting errors, overpayments, and underpayments. However, inaccurate or incomplete household information is a significant source of overpayments, including errors involving income, household composition, employment, and other eligibility factors.

Public Law 119-21 ties state benefit-cost responsibility to payment error rates. States below 6 percent have no benefit cost share; states at 6 to under 8 percent face 5 percent; 8 to under 10 percent face 10 percent; and states at 10 percent or above face a 15 percent share, subject to the statute's implementation provisions. The same law reduces the federal share of SNAP administrative costs from 50 percent to 25 percent beginning in fiscal year 2027.[8]

Congress has therefore placed materially greater financial responsibility on states for both administration and payment accuracy. UCOWF supports strong accountability, but states should have corresponding authority to require enough front-end information to identify applicants, initiate verification, and process cases accurately.

In fact, this has led to partisan bickering over the Farm Bill that prevents farmers from getting the legislative support and assistance they desperately need and that USDA has prioritized under your leadership. Members of Congress have refused to pass the Farm Bill unless the fiscal impacts on states are postponed or suspended. Addressing this Right to File would give states administrative freedom and relief from an antiquated law that is directly responsible for or contributes massively to error rates and improper payments.

The current filing standard also creates a program-integrity control gap. A remote applicant can establish a filing date before the state has dates of birth, SSNs for persons seeking benefits, complete household composition, reliable contact information, or sufficient information to conduct identity, duplicate-participation, citizenship, and eligible-noncitizen screening. This creates a burden to state's administering SNAP.

That gap can be exploited through stolen identities, synthetic identities, duplicate applications, false household composition, and misrepresented eligibility or immigration status. The risk is amplified by remote application channels and by rules that require verification of specified factors but permit other applicant-provided information to be accepted unless verification is otherwise required or the information is questionable. Congress itself requires telephonic-signature systems to include safeguards against impersonation and identity theft.[9]

A minimum processable-application standard would not replace verification. It would ensure that the state has enough information to identify the people seeking benefits and begin meaningful verification before federal processing clocks and retroactive benefit consequences begin.

Ohio's Request and the Statutory Barrier

On May 26, 2026, the Ohio Department of Job and Family Services announced a package of SNAP program-integrity waiver requests that included requiring a completed application before processing begins. Ohio cited longer interviews, added county workload, increased administrative expense, confusion, error, and delays associated with incomplete applications.[10]

UCOWF understands that USDA did not approve relief from the Right to File requirement. That outcome apparently appears consistent with the statute. Although 7 U.S.C. § 2026(b)(1)(A) provides broad pilot authority, Congress expressly bars demonstrations that are inconsistent with § 2020(e)(2)(B), which contains the Right to File, and with the processing-time standard in § 2020(e)(3).[11]

USDA may revise procedures that remain consistent with those statutes, but it cannot by ordinary rulemaking require an SSN, date of birth, household-member information, or another additional element before an application is legally filed. Congress must change the statutory floor or expressly authorize a demonstration.

Requested USDA and Congressional Action

1. Include Right to File Modernization in USDA's Legislative Recommendations

USDA should submit legislative language to Congress, including for consideration in the 2026 Farm Bill, amending 7 U.S.C. § 2020(e)(2)(B)(iv) to establish a minimum processable-application standard.

At a minimum, a filed SNAP application should identify:

- the applicant, with full legal name and signature;
- all household members, with full names and dates of birth;
- the SSN, or evidence of an application for an SSN, for each household member seeking SNAP benefits;
- which household members are not applying for SNAP;
- the household's residential and mailing address, or an appropriate homelessness declaration;
- a reliable means of contacting the household;
- citizenship or eligible noncitizen status for each person seeking benefits; and
- basic household composition and income information sufficient to begin an eligibility determination.

This should not require every supporting document before filing. The standard should require enough information to identify the people seeking benefits, initiate data matching and verification, and permit meaningful communication. States should continue to assist applicants, provide appropriate accommodations, and preserve expedited service.

2. Seek Express Congressional Authority for State Demonstration Projects

USDA should request an express statutory exception to 7 U.S.C. § 2026(b)(1)(B)(iv)(III)(ff) and (gg) allowing willing states to test the minimum processable-application model. The demonstration should measure application timeliness, incomplete and abandoned applications, worker workload, administrative costs, identity resolution, duplicate participation, payment errors, suspected identity fraud, and access for eligible households.

UCOWF and its members are prepared to work with USDA, interested states, and Congress on demonstration design, performance measures, and safeguards.

3. Clarify Existing USDA Authority

UCOWF requests that USDA's Office of General Counsel provide a written explanation of the Department's current authority, the statutory limits on waiving the Right to File and processing standards, any narrower reform available under existing law, and the statutory language USDA believes is necessary to authorize the requested demonstration.

Conclusion

The Right to File was created to keep lengthy paperwork from preventing an eligible household from establishing an application date. That purpose remains important, but the current rule now allows paper, electronic, online, and telephonic submissions containing only a name, address, and signature to trigger federal processing requirements. <u>Your leadership in this endeavor can save the country billions in SNAP fraud, waste, and improper payments – while having a direct impact in reducing state burdens and error rates.</u>

Congress has imposed substantially greater financial accountability on states for SNAP administration and payment accuracy. We respectfully ask USDA to support corresponding front-end tools by making Right to File modernization a legislative priority, supporting congressionally authorized state demonstrations, and working with UCOWF and state partners on this reform.

We welcome the opportunity to discuss the proposal with USDA leadership, members of Congress, the White House Domestic Policy Council, and the White House Task Force to Eliminate Fraud.

Sincerely,

Keith Miskie, President
United Council on Welfare Fraud
www.ucowf.net

cc:
The Honorable John Thune, Majority Leader, United States Senate
The Honorable Mike Johnson, Speaker, United States House of Representatives
The Honorable John Boozman, Chair, Senate Agriculture, Nutrition and Forestry
Roy Lenardson, White House Domestic Policy Council
Scott Brady, White House Task Force to Eliminate Fraud

ENDNOTES

[1] Food and Nutrition Act of 2008, § 17(b)(1), 7 U.S.C. § 2026(b)(1). The Secretary has general pilot authority, but the statute prohibits projects inconsistent with § 2020(e)(2)(B) or the processing-time standard in § 2020(e)(3).

[2] United Council on Welfare Fraud, organizational history and bylaws. UCOWF's mission includes promoting the prevention, detection, elimination, and prosecution of welfare fraud and protecting the integrity of public-assistance programs.

[3] Food and Nutrition Act of 2008, § 11(e)(2)(B)(iii)-(iv), 7 U.S.C. § 2020(e)(2)(B)(iii)-(iv); 7 C.F.R. § 273.2(c)(1)(iii).

[4] 7 C.F.R. § 273.2(c), (g), and (i); 7 C.F.R. § 273.6. The regulations address application mechanisms and filing dates, normal and expedited processing, and SSN requirements for persons applying for SNAP.

[5] Hunger Prevention Act of 1988, Pub. L. No. 100-435, § 310; Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. No. 101-624, § 1736; Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, § 835; Supplemental Nutrition Assistance Program: Eligibility, Certification, and Employment and Training Provisions, 82 Fed. Reg. 2,010 (Jan. 6, 2017).

[6] 7 C.F.R. § 273.2(h), including the actions required before a delay may be attributed to the household.

[7] U.S. Department of Agriculture, "USDA Announces FY 2025 State Payment Error Rates in SNAP," June 24, 2026. USDA reported a 10.62 percent national payment error rate and approximately $10.1 billion in improper payments. The $951 million figure is an approximation derived from those reported totals.

[8] Pub. L. No. 119-21, §§ 10105-10106 (July 4, 2025), amending 7 U.S.C. §§ 2013(a) and 2025(a).

[9] Food and Nutrition Act of 2008, § 11(e)(2)(C), 7 U.S.C. § 2020(e)(2)(C); 7 C.F.R. § 273.2(f).

[10] Ohio Department of Job and Family Services, "ODJFS Requests USDA Waivers to Implement Anti-Fraud Safeguards," May 26, 2026. Ohio publicly identified requiring a completed SNAP application before processing begins as one requested reform.

[11] Food and Nutrition Act of 2008, § 17(b)(1)(B)(iv)(III)(ff)-(gg), 7 U.S.C. § 2026(b)(1)(B)(iv)(III)(ff)-(gg). The provisions apparently bar demonstrations inconsistent with § 2020(e)(2)(B) and the processing-time standard in § 2020(e)(3).