

SNAP Rules Listening Session

Oct. 30 (Friday), 1:30 pm – 3:00 pm EST

Dial (toll-free): 844-767-5679

Access Code: 8504014

*Participants will be solicited for their name and tribal/organization name

**During the Q&A sessions, attendees can dial “1” and then “0” on their phones to have the teleconference operator open up their phones lines.

Agenda

- 1:30 - Welcome from USDA Office of Tribal Relations
- 1:35 - Opening prayer
- 1:38 - Introductions
- 1:45 – Welcome from USDA FNS Administrator Pam Miller
- 1:55 – Overview of session
- 2:00 – 2:16 – P-EBT Integrity presentation followed by discussion
- 2:16 – 2:32 – Categorical Eligibility presentation followed by discussion
- 2:32 – 2:48 - Standardization of State Heating and Cooling Standard Utility Allowances presentation followed by discussion
- 2:48 – 3:04 – Strengthening Integrity and Reducing Retailer Fraud in SNAP
- 3:04 – 3:20 – Employment & Training Opportunities presentation followed by discussion
- 3:20 - Closing remarks
- 3:27 - Closing prayer
- 3:30 - Adjourn

SNAP Rules Background

1. Supplemental Nutrition Assistance Program: Pandemic Electronic Benefits Transfer (P-EBT) Integrity

Final Rule

POC: Andrea Gold

This final rule adds regulations that will ensure the integrity of benefits created by Section 1101 of the Families First Coronavirus Response Act (FFCRA; P.L. 116-127), as amended by the Continuing Appropriations Act, 2021 and Other Extensions Act (CR; P.L. 116-159). These benefits are referred to as Pandemic Electronic Benefits Transfer (P-EBT) benefits. P-EBT benefits are for households with children who normally receive free or reduced price school meals under the Richard B. Russell National School Lunch Act, but are not receiving those meals because of school closures or reduction in the number of days or hours in response to the ongoing and national Coronavirus Disease 2019 (COVID-19) Public Health Emergency. The Continuing Resolution extended the authority for P-EBT through Fiscal Year (FY) 2021, and also authorized P-EBT for households with at least one child enrolled in a covered child care facility (as defined by Section 1101(i)(1) of the FFCRA, as amended) that is closed or has reduced attendance or hours. As a result of this final rule, the breadth of penalties that apply when violations occur in SNAP will also apply to P-EBT benefits with a goal of ensuring that all benefits be used as intended.

2. Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)

Final Rule

POC: Merrit Gillard, Sasha Gersten-Paal

Under section 5(a) of the Food and Nutrition Act of 2008, households in which all members receive benefits under a State program funded by the Temporary Assistance to Needy Families (TANF) program are categorically eligible

to participate in the Supplemental Nutrition Assistance Program (SNAP). This proposal would change the regulations at 7 CFR 273.2(j)(2) pertaining to categorically eligible TANF households by limiting categorical eligibility to households that receive cash TANF or other substantial assistance from TANF. Categorical eligibility conferred by any non-cash assistance would be limited to substantial ongoing assistance or services, such as child care, that have an eligibility determination process similar to cash TANF. This rule would not alter categorical eligibility for Supplemental Security Income (SSI) households or General Assistance (GA) households.

3. Supplemental Nutrition Assistance Program: Standardization of the State Heating and Cooling Standard Utility Allowances

Final Rule

POC: Kari Hardgrove, Sasha Gersten-Paal

Currently, all States that choose to use SUAs may use their own methodologies. The final rule revises SNAP regulations to standardize methodology for calculating standard utility allowances. The new methodology sets the largest standard, the heating and cooling standard utility allowance, at the 80th percentile of low-income households' utility costs in the State. Standard allowances for other utility costs would subsequently be capped at a percentage of the heating and cooling allowance with the exception of an updated telecommunications SUA that would be a standard amount set nationally. These figures would continue to be updated annually and reflective of utility costs in each State.

The Department also plans to finalize proposed rule, Supplemental Nutrition Assistance Program: Standard Utility Allowances Based on the Receipt of Energy Assistance Payments. This confers the changes in the 2014 Farm Bill requiring FNS to promulgate regulations establishing that those States electing to use a heating or cooling standard utility allowance (HCSUA) in SNAP eligibility determinations must make the HCSUA available to households that receive a Low-Income Home Energy Assistance Program (LIHEAP) or other similar energy assistance program payment greater than \$20 annually in the current month or in the immediately preceding 12 months.

4. Strengthening Integrity and Reducing Retailer Fraud in the Supplemental Nutrition Assistance Program

Proposed Rule

POC: Andrea Gold

This proposed rule would implement Section 4132 of the 2008 Farm Bill, which gave the U.S. Department of Agriculture (the Department) the authority to assess civil money penalties (CMPs or fines) against violating firms, in addition to disqualifying such firms from Program participation. This rule also proposes to define terms relevant to SNAP integrity and update terminology to reflect the current Program. Further, this proposed rule is intended to improve the integrity of the Supplemental Nutrition Assistance Program (SNAP or Program) by updating, streamlining, and clarifying penalties and other adverse actions such as denial or withdrawal, imposed when stores participating in SNAP violate Program rules. It will also address penalties and actions to be imposed on parties that are not authorized to accept SNAP benefits and entities (authorized or not) that facilitate participation of those parties.

5. Employment and Training Opportunities in the Supplemental Nutrition Assistance Program

Final Rule

POC: Leigh Gantner, Moira Johnston

The final rule largely implements changes made by the 2018 Farm Bill to the SNAP Employment and Training program (E&T), and certain aspects of the ABAWD work requirement. The rule strengthens several E&T components, including requiring that job search be supervised and adding apprenticeships and subsidized employment as allowable activities; requires all E&T programs to provide case management services; require State agencies to consult with State workforce development boards on their E&T programs; require State agencies to document in their E&T State plans the extent they will be carried out in coordination with activities under title 1 of the Workforce Innovation and Opportunity Act; establishes a funding formula for re-allocated E&T funds; requires State agencies to re-direct individuals who are found ill-suited for an E&T program; and strengthens the good cause provisions for mandatory E&T participants and ABAWDs. The final rule also makes some changes to the work requirement for ABAWDs, specifically reducing the number of ABAWD work exemptions from 15 percent to 12 percent and making changes to what counts as a work program for ABAWDs. The final rule adds the requirement that all State agencies advise certain types of households subject to the general work requirement of employment

and training opportunities at recertification. The rule also requires State agencies to provide a consolidated written notice and oral explanation of the work requirements to all households with members subject to a work requirement. Lastly, the final rule adds workforce partnerships as a way for SNAP participants to meet their work requirement.