DATE: November 19, 2026

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Questions and Answers on Quality Control (QC) Variance Exclusion – Revised Variance Exclusion Period

TO: All SNAP State Agencies, All State Support and Evaluation (SSE) Hubs

The Food and Nutrition Administration (FNA) is reissuing the enclosed November 14, 2025, memorandum, "Supplemental Nutrition Assistance Program (SNAP) Questions and Answers on Quality Control (QC) Variance Exclusion", with revised quality control (QC) variance exclusionary period implementation dates, consistent with the order dated September 17, 2026, granting summary judgment in *New York, et al. v. Rollins, et al.*, 6:25-cv-02186 (D. Or.) (September 2026 Order). The quality control variance exclusion period defined below supersedes the one in the enclosure under the heading, "Questions Regarding Sections 10102 and 10103 of H.R. 1, the One Big Beautiful Bill Act of 2025 (OBBB)".

The revised quality control variance exclusionary period implementation date is December 3, 2026, two weeks from the issuance of this memorandum. Note, the revised implementation does not change the effective date of these provisions, which was July 4, 2025. Regardless of the variance exclusionary period, all State agencies are expected to have updated their eligibility policies and standards to reflect the changes and the required effective date. State agencies may be held accountable for failing to implement these statutory changes timely, outside of QC processes, to the extent permitted under Federal law.

FNA will, as appropriate, hold States harmless for QC purposes from the July 4, 2025, effective date of the statutory provisions until 120 days after the revised implementation

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date, in accordance with 7 CFR 275.12(d)(2)(vii). This revised QC variance exclusionary period applies unless and until the September 2026 Order is overturned on appeal.

All State agencies must review already transmitted cases for Fiscal Year 2026, regardless of subsample status, and make corrections pursuant to this clarification and the Court's order. See Appendix A for specific instructions on processing these case corrections. Further, State agencies must be able to track and identify cases impacted by the Court's order for any related variance of these OBBB provisions from July 4, 2025, through and including the end of the variance exclusionary period in this memorandum. State agencies may use Section 7 of the FNS-380-1 to develop coding to identify affected cases or may develop their own tracking system outside of FNA-approved forms and systems. For cases that have already been submitted, State agencies will have to identify and track them outside of FNA-approved forms and systems.

FNA stands ready to work with State agencies and provide additional technical assistance. State agencies with questions about this memorandum or other aspects of implementation, including requests for technical assistance, should contact their respective FNA State Support and Evaluation (SSE) Hub.

Sincerely,

Shiela Corley
Acting Administrator
Food and Nutrition Administration
U.S. Department of Agriculture

Enclosure

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Appendix A

Case Identification and Correction:

State agencies must review and correct any Fiscal Year 2026 QC cases in which any error was found as a result of inaccurately applying the SNAP changes to (1) time-limited participants, (2) the application of the Standard Utility Allowance for households in receipt of energy assistance payments, and (3) alien eligibility, that were written in Sections 10102, 10103, and 10108 respectively of P.L. 119-21, the One Big Beautiful Bill Act of 2025 (OBBB). None of the affected cases will have an included variance associated with the above provisions from July 4, 2025, when OBBB was signed into law, through the revised provided variance exclusionary period in this memo. For FY 2027, State agencies were advised to hold submission of any cases under review in which there was a variance related to one of the three above mentioned OBBB provisions. State agencies may now apply the revised variance exclusionary period time frames and submit any held FY 2027 cases. For corrections to FY 2026 cases, follow the directions below, which vary by the status of the individual case impacted by the Court's order.

Cases Subsampled by FNA:

Cases submitted to FNA that have not been reviewed by FNA:

FNA reviewers will complete their reviews and determine whether a variance exclusion and corresponding correction to the case are required by the Court's order. The Federal reviewer must apply the variance exclusionary period following the guidance in this policy memo or return the case to the State for completion if more information is required to correct and complete the case.

Cases Not Subsampled by FNA or Subsampled and Returned to the State Following Completion by FNA:

Cases that have not been reviewed by the State:

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State agencies will complete their reviews and determine whether the variance exclusion applies using this guidance. The QC review record for cases held pending this clarification must be documented to indicate that the case was held pending clarification under *State of New York, et al. v. Rollins, et al.*, 6:25-cv-02185 (D. Or.) to ensure a full 20-day arbitration period upon completion, even when the case appears late in the SNAP Quality Control System (QCS). State agencies must create an Excel spreadsheet with the review number, sample month and year, sub-sample status, and the specific details of the variance exclusion that applied in sufficient detail so as to allow the Federal QC staff enough information to validate the appropriateness of the variance exclusion application to the impacted case. This will allow FNA staff the opportunity to confirm the application of this guidance in order to extend any applicable arbitration or case deadline dates, as appropriate.

Cases submitted to FNA that have been reviewed by the State and require correction, and cases that were transmitted to FNA, completed, and returned back to the State:

State agencies should search SNAP-QCS for all completed cases in which this variance exclusion applied and identify whether the review needs to be revised based on the information in this memo, including cases completed by FNA and returned to the State as finalized. For cases identified for revision, State agencies must create an Excel spreadsheet with the review number, sample month and year, sub-sample status and the specific details of the variance exclusion that applied in sufficient detail so as to allow the Federal QC staff enough information to validate the appropriateness of the variance exclusion application to the impacted case. State agencies will send it to the SNAP-QCS Helpdesk (sm.fn.snapqcssupport@usda.gov) and with a copy to their SSE QC contacts. The SNAP-QCS Helpdesk will unlock all listed cases upon approval by FNA, allowing State agencies until January 25, 2027, to correct and complete these cases. All normal arbitration rights will apply. Any cases left incomplete will count toward the State's incompletion rate.

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USDA Food and Nutrition Service
U.S. DEPARTMENT OF AGRICULTURE

DATE: November 14, 2025

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) Questions and Answers on Quality Control (QC) Variance Exclusion

TO: All SNAP State Agencies
All Regions

The Food and Nutrition Service (FNS) has issued a number of guidance documents on the implementation of SNAP related provisions in H.R. 1, the One Big Beautiful Bill Act of 2025 (OBBB). This memo provides answers to follow-up questions submitted by State agencies on the variance exclusion period for implementation of Section 10102: Modifications to SNAP Work Requirements for Able-Bodied Adults and Section 10103: Availability of Standard Utility Allowances Based on Receipt of Energy Assistance.

A variance in SNAP QC represents a difference in an element of a basic program requirement or basis of issuance in which the information verified by the QC worker differs from the information used to certify the household. SNAP regulations at 7 CFR 275.12(d)(2)(vii) allow for a variance exclusion period during which States can exclude from the error rate any variances related to new SNAP regulations or changes in Federal law within the first 120 days of the required implementation date.

State agencies with questions about this memo or other aspects of implementation, including requests for technical assistance, should contact their respective FNS regional office.

Sincerely,

SASHA GERSTEN-PAAL
Digitally signed by SASHA GERSTEN-PAAL
Date: 2025.11.14 12:04:55 -05'00'

For Ronald Ward
Acting Associate Administrator
Supplemental Nutrition Assistance Program
Food and Nutrition Service

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Attachment

Questions Regarding Sections 10102 and 10103

of H.R. 1, the One Big Beautiful Bill Act of 2025 (OBBB)

[The FNA cover letter issued November 19, 2026, supersedes the quality control variance exclusionary period provided in this document, regardless of actual implementation date.]

1. **What is the required implementation date for OBBB provisions in Sections 10102 and 10103 regarding the able-bodied adults without dependents (ABAWDs) and the treatment of energy assistance payments? Is the required date the enactment of OBBB (July 4, 2025) or the date the State can implement the provisions and notify staff?**
   The required implementation date is the enactment of OBBB, July 4, 2025.

2. **When does the variance exclusion period apply?**
   The variance exclusion period ended November 1, 2025, which is 120 days from July 4, 2025.

3. **If a State implemented Sections 10102 and 10103, including informing staff of the policy change, after August 29, 2025, but before November 1, 2025, on what date would the hold harmless variance exclusion period begin?**
   Regardless of the implementation date chosen by the State, the variance exclusion period for implementing ABAWD exemption changes in Section 10102 and all provisions in Section 10103 of the OBBB ended November 1, 2025.

4. **Can FNS extend the 120-day variance exclusion period?**
   No, the law limits the variance exclusion period to 120 days. Per Section 16(c)(3)(A) of the Food and Nutrition Act of 2008, as amended, and 7 CFR 275.12(d)(2)(vii), certification errors resulting from the application of a new change in Federal law that occurs during the first 120 days from the required implementation date is excluded from the Quality Control (QC) error analysis. The OBBB did not address QC variance exclusions, therefore existing SNAP statutory and regulatory requirements apply.

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