USDA

United States Department of Agriculture

Food and Nutrition Service

Park Office Center

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SUBJECT: Supplemental Nutrition Assistance Program Section 4005 of the Agriculture Improvement Act of 2018 – Informational Memorandum

TO: Regional Administrators
Food and Nutrition Service
All Regions

On December 20, 2018, the Supplemental Nutrition Assistance Program (SNAP) was reauthorized as part of the Agriculture Improvement Act of 2018 (the Act) (P.L. 115-334). Attached is an informational memorandum describing section 4005 of the Act and implementation dates. Regulations reflecting revisions to SNAP made by the Act will be published as soon as possible. Please forward the attached memorandum to your State commissioners.

Please keep us advised of any challenges faced by States in implementing these changes. If you have questions, please reach out to Moira Johnston who is the contact for this section of the Act.

Jessica Shahin
Associate Administrator
Supplemental Nutrition Assistance Program

Attachment

An Equal Opportunity Provider and Employer

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Agriculture Improvement Act of 2018 – Informational Memorandum

The Supplemental Nutrition Assistance Program (SNAP) was recently reauthorized as part of the Agriculture Improvement Act of 2018 (the Act), [P.L. 115-334], enacted on December 20, 2018. The law contains various provisions that affect SNAP eligibility, benefits, and program administration, including changes mandated by the law and those that provide additional flexibility for State agencies. All provisions of the Act related to SNAP are effective as of the date of enactment, unless otherwise stated.

This memorandum describes the various provisions of section 4005 of the Act and the implementation action required. The Food and Nutrition Service (FNS) issued a memorandum on April 8, 2018, regarding section 4004, Simplified Homeless Housing Cost. FNS will soon issue an information memorandum that describes most of the other SNAP related provisions and implementation actions required.

The memo places the provisions of section 4005 into four categories based on when they are to be implemented or what agency action needs to occur. The categories are provisions requiring immediate implementation (self-executing); provisions States may implement immediately, but require State Plan approval; provisions requiring rulemaking before implementation; and FNS action only.

As with previous legislative changes to the program, FNS will, as appropriate, hold States harmless for Quality Control (QC) purposes for 120 days from the implementation date, following requirements outlined in SNAP regulations at 7 CFR 275.12(d)(2)(vii).

PROVISIONS AND EFFECTIVE DATES

A. Self-executing provisions - States must implement immediately

Under this heading, FNS describes provisions of section 4005 that States must implement immediately. However, FNS recognizes that States will need time to make changes to their existing programs in order to come into compliance. Therefore, starting in fiscal year (FY) 2020, FNS will begin holding States accountable for changes associated with these requirements. FNS will provide more information on these requirements as soon as possible, including modifying the E&T State Plan Handbook. FNS will not approve any State plans that are not in compliance with these requirements. FNS will also begin to take actions to codify these provisions through the rulemaking process.

Consultation with State Workforce Development Boards or Employers: This provision requires States to design their SNAP E&T programs in consultation with State workforce development boards or with private employers or employer organizations and requires that they include in their E&T State Plan the extent to which they are coordinating with Title I of Workforce Innovation Opportunity Act. States must include a description of their consultation and coordination in their FY 2020 E&T State Plan.

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Mandatory Case Management: This provision requires States to include case management services in their E&T program. Case management includes such things as comprehensive intake assessments, individualized service plans, progress monitoring, or coordination with service providers. States must include a description of their case management process in their FY 2020 E&T State Plan.

Definition of a Work Program: This provision expands the definition of a work program for purposes of meeting the work requirement for able-bodied adults without dependents (ABAWDs) by explicitly adding employment and training programs for veterans operated by the Department of Labor or the Department of Veterans Affairs. The provision also adds workforce partnerships to the definition of work program, but this portion will not be implemented until FNS completes rulemaking (see Part C. Provisions effective after rule making occurs).

Advising Households of Available Employment and Training Services: This provision requires States to advise individuals who are not exempt from the general work requirements about the availability of employment and training services, if these individuals are members of households containing at least one adult, with no elderly or disabled individuals, and with no earned income at their last certification or required report. Employment and training services are not limited to SNAP E&T. These services include those offered by other public or private organizations such as the American Job Centers, or community-based organizations.

B. Provisions States may implement immediately – Require State plan approval

Because States have tremendous flexibility in designing their E&T programs, including determining what programs or activities to offer, the changes described below are only relevant in the situation where a State chooses to offer the program or activity as part of its E&T program. In other words, the statutory changes *do not require* States to offer these components or activities, but if a State *chooses to*, it must do so in compliance with the statute. States that choose to offer any of these programs or activities must include them in future E&T State Plans. FNS will not approve any FY 2020 State plan that is not in compliance with these provisions.

The addition of subsidized employment and successful SNAP E&T pilot activities as allowable E&T components are covered under Heading C – Provisions effective after rule-making occurs.

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E&T Programs and Activities:

- ***Supervised Job Search Program:*** This provision replaces job search programs with supervised job search programs. A *supervised* job search program is described as job search occurring at State approved locations and where activities are supervised and tracked in accordance with guidelines issued by the State. States that plan to offer a supervised job search program must include it in their E&T State Plan and describe the guidelines developed by the State to ensure compliance with this requirement.

- ***Job Finding Clubs/Job-Skills Assessment/Employability Assessment:*** This provision removes job finding clubs and job skills assessment as allowable activities under a job skills training program, but adds employability assessment as an allowable activity.
- ***Job Retention Programs:*** This provision requires job retention services to be provided for a minimum of 30 days and not more than 90 days.

- ***Apprenticeships:*** This provision specifies that apprenticeships are an allowable work experience activity.

C. Provisions effective after rulemaking occurs

E&T Pilot Activities: This provision adds a new E&T program that incorporates activities from the 2014 Farm Bill Pilots that FNS determines have the most demonstrable impact on an individual's ability to find and retain employment and that lead to increased household income and reduced reliance on public assistance. FNS will issue regulations after publication of the final report from the evaluation.

Subsidized Employment: This provision allows subsidized employment as an allowable E&T activity. Subsidized employment was an allowable activity in the 2014 Farm Bill Pilots and has been implemented by other Federal and State programs. FNS will issue regulations taking into consideration best practices and lessons learned from these other sources.

Workforce Partnerships: This provision allows States to certify workforce partnerships as a new way of meeting the ABAWD work requirement or E&T requirements of SNAP households through cooperation with private employers, or other workforce development organizations. A State agency must certify the workforce partnerships, and provide households with information about those partnerships. FNS will issue regulations defining workforce partnerships and related State agency responsibilities.

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Referral of Individuals Ill-Suited for an E&T Program Component: This provision requires that if an E&T provider determines an individual is ill-suited to participate in an E&T program component, the State must refer them to a more appropriate component or workforce partnership; reassess their physical or mental fitness; or coordinate with other workforce or assistance programs to find assistance. During this time, the participant will have good cause for non-participation. FNS will issue regulations implementing this provision.

Support of the Chief Executive Officer of the State for Waivers of the ABAWD Time Limit: This provision requires that States requesting waivers of the ABAWD time limit have the support of the chief executive officer of the State. A similar provision is included in the proposed rule, *SNAP Requirements for Able-bodied Adults without Dependents* (RIN: 0584-AE57). FNS intends to implement this provision after finalization of the rule.

D. Provisions requiring FNS action

E&T Funding: This provision increased the total amount of E&T 100 percent funds to $103,900,000 annually, and increases the minimum amount of 100 percent funding available to a State agency for SNAP E&T to $100,000 annually. FNS will implement these changes starting in FY 2019.

Reallocation of 100 Percent Administrative Funds: This provision created a new reallocation formula for unused 100 percent funds. FNS will begin using this formula in FY 2020 for FY 2019 funds. FNS will provide additional guidance to States. If a State would like to receive additional 100 percent funds, it must submit a request explaining how the additional funds will be used in accordance with the new funding formula.

ABAWD Time Limit Percentage Exemptions: This provision changed current law regarding the amount of ABAWD time limit percentage exemptions allocated to State agencies. Starting in FY 2020, the allocation of percentage exemptions will be reduced from the current 15 percent of covered individuals to 12 percent of covered individuals. FNS will continue to issue memoranda to inform State agencies of the availability of percentage exemptions each year and will reflect the changes from this provision in future rulemaking.

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