

Food and  
Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

DATE: September 25, 2023

SUBJECT: SNAP – Fiscal Year (FY) 2024 Allocations of Discretionary Exemptions for Able-Bodied Adults without Dependents (ABAWDs) – Not Adjusted for Carryover

TO: All State Agencies  
Supplemental Nutrition Assistance Program

The Food and Nutrition Act of 2008 (the FNA) limits the time able-bodied adults without dependents (ABAWDs) may participate in the Supplemental Nutrition Assistance Program (SNAP) to 3 months in any 36-month period, unless an individual fulfills a certain work requirement or is exempt from the time limit. The FNA allocates each State agency a number of monthly discretionary exemptions from the ABAWD time limit for each fiscal year. The number of discretionary exemptions each State agency receives is based on a percentage of the covered individuals in the State, as defined in section 6(o)(6)(A)(ii) of the FNA. As of Fiscal Year (FY) 2024, the Fiscal Responsibility Act of 2023 (the FRA) decreases the percentage from 12 percent to 8 percent of covered individuals.

The Food and Nutrition Service (FNS) estimated the number of new discretionary exemptions each State agency has earned for FY 2024 in the second column of the attached table. State agencies that operated under a Statewide waiver of the ABAWD time limit did not earn any new exemptions.

FNS is also including the total discretionary exemptions available for FY 2023 in the third column of the attached table for reference on the potential total number of discretionary exemptions available for FY 2024. FNS first published these figures in the April 19, 2023, memorandum "[\*Fiscal Year 2023 Allocations of Discretionary Exemptions for Able-Bodied Adults Without Dependents\*](#)." Please note, the figures in the third column do not account for State agencies' usage of discretionary exemptions over the course of FY 2023.

The FRA also limits the carry over of discretionary exemptions between fiscal years. In FY 2024 and FY 2025, State agencies can continue to carry over unused discretionary exemptions from prior fiscal years. Starting in FY 2026, State agencies' carryover will be limited to unused exemptions earned in the previous fiscal year.

While State agencies have flexibility in applying discretionary exemptions, State agencies must document the use of a discretionary exemption for an individual for Quality Control to apply them to their review.

USDA is an Equal Opportunity Provider, Employer and Lender

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

All State Agencies  
Page 2

As a reminder, State agencies must also track their usage of discretionary exemptions on an ongoing basis and report final figures via the FNS-583 form no later than Monday, November 14<sup>th</sup>, 2023. Once all required data is available, FNS will issue an updated memorandum with the total number of exemptions available to each State agency for FY 2024, accounting for exemptions used in FY 2023 and caseload adjustments.

State agencies with questions regarding discretionary exemptions usage and tracking rules should contact their respective FNS Regional Office representative.

Sincerely,

**MARGARET  
JOHNSTON** Digitally signed by  
MARGARET JOHNSTON  
Date: 2023.09.25  
16:46:19 -04'00'

Moira Johnston  
Acting Director  
Program Development Division

Attachment

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

<b>State</b>	<b>New Discretionary Exemptions Earned for FY 2024 (Does Not Include Adjustments or Carryover)</b>	<b>Total Available for FY 2023 (Does Not Include Adjustments for Usage)<sup>1</sup></b>
Alabama	24,960	352,148
Alaska	0	25,126
Arizona	0	154,548
Arkansas	6,960	164,363
California	0	851,432
Colorado	7,740	38,695
Connecticut	0	55,308
Delaware	2,352	83,807
District of Columbia	0	0
Florida	80,904	1,071,621
Georgia	40,608	76,372
Guam	0	3,850
Hawaii	0	74,907
Idaho	3,060	68,537
Illinois	0	23,383
Indiana	14,988	267,617
Iowa	5,256	158,170
Kansas	3,480	81,597
Kentucky	15,144	199,864
Louisiana	0	12,820
Maine	6,228	65,755
Maryland	6,480	74,494
Massachusetts	5,028	189,854
Michigan	0	605,877
Minnesota	10,908	59,526
Mississippi	10,632	229,616
Missouri	24,132	311,468
Montana	2,580	52,354

<sup>1</sup> Totals were first published on April 19, 2023, in the “Fiscal Year 2023 Allocations of Discretionary Exemptions for Able-Bodied Adults Without Dependents” memo. Totals do not account for usage in FY 2023.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.

<b>State</b>	<b>New Discretionary Exemptions Earned for FY 2024 (Does Not Include Adjustments or Carryover)</b>	<b>Total Available for FY 2023 (Does Not Include Adjustments for Usage)<sup>1</sup></b>
Nebraska	3,480	81,904
Nevada	0	57,910
New Hampshire	720	9,208
New Jersey	0	169,985
New Mexico <sup>2</sup>	0	-1,868
New York	0	181,415
North Carolina	42,852	412,679
North Dakota	1,116	20,340
Ohio	28,020	344,039
Oklahoma	20,208	386,387
Oregon	25,212	178,519
Pennsylvania	0	169,988
Rhode Island	924	14,508
South Carolina	12,420	162,485
South Dakota	1,056	8,754
Tennessee	31,488	307,761
Texas	82,068	2,524,615
Utah	2,508	51,827
Vermont	2,724	26,880
Virginia <sup>3</sup>	26,040	501,748
Virgin Islands <sup>3</sup>	0	3,948
Washington	10,224	53,116
West Virginia	15,228	207,483
Wisconsin	14,844	139,833
Wyoming	1,080	40,381

<sup>2</sup> New Mexico overused 15 percent exemptions in the first and second quarters of FY 2009. The State has had waivers since that time and therefore has not earned any exemptions since that time. The State cannot use 15 percent exemptions until its negative balance is eliminated.

<sup>3</sup> CORRECTION: These are the correct values for the total available for FY 2023, not including adjustments for usage in FY 2023. The figures were transposed incorrectly for Virginia and the Virgin Islands in the Spring FY 2022 and FY 2023 memos.

Guidance documents lack the force and effect of law, unless expressly authorized by statute or incorporated into a contract. USDA may not cite, use, or rely on any guidance that is not available through their guidance portal, except to establish historical facts.