



December 4, 2019

Food and  
Nutrition  
Service

Park Office  
Center

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Subject: Supplemental Nutrition Assistance Program  
State Agency Readiness to Apply the ABAWD Time Limit and Serve  
ABAWDs

To: All State Agency Directors  
Supplemental Nutrition Assistance Program

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS) will publish the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults without Dependents*, on December 5, 2019. It is available today for public inspection at the [Federal Register](#).

As you are aware, the Food and Nutrition Act of 2008 (the Act) limits able-bodied adults without dependents (ABAWDs) to no more than 3 months of Supplemental Nutrition Assistance Program (SNAP) benefits over any 3-year period unless they work or participate in a work program at least 20 hours a week or participate in a workfare program. This final rule supports the Agency's commitment to self-sufficiency by modifying States' ability to receive waivers of the ABAWD time limit. More specifically, the rule sets robust, quantitative standards that States' must meet in order to receive such waivers and limits the accumulation of discretionary exemptions.<sup>1</sup>

In light of the new rule, FNS is taking this opportunity to reiterate the importance of State screening and tracking of ABAWDs, as well as providing ABAWDs with the resources they need to move towards—and into—employment. It is critical that State agencies properly screen and track ABAWDs. Failure to screen or track ABAWDs could result in a State agency applying the time limit to individuals who are otherwise exempt or providing more than 3 months of benefits to an ABAWD who is not complying with the work requirements. It is critical that State agencies ensure that all areas within the State are prepared to apply the time limit appropriately.

#### Screening ABAWDs

Federal law and regulations exempt individuals from the time limit based upon their circumstances, including individuals who may be unable to work due to physical or mental challenges. State agencies are responsible for assessing an individual's fitness for work methodically and comprehensively, which is typically done through the certification and recertification interview. Once a State agency has screened a potential ABAWD and determined the individual to be subject to the time limit, the State agency has the responsibility to inform that ABAWD of the work requirement and time limit. State agencies continue to have the option to grant discretionary exemptions to ABAWDs as they see fit, provided the State agency tracks and reports

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<sup>1</sup> Previously referred to as 15 percent exemptions, the Public Law 115-334, *Agriculture Improvement Act of 2018*, reduced the allocation of exemptions to 12 percent for FY 2020 and each subsequent fiscal year. Moving forward, the Department will refer to these exemptions as discretionary exemptions.

its exemption usage and does not exceed the limited number of exemptions available to it for the fiscal year.

For more information on screening and informing ABAWDs, please review the following documents on the [ABAWD Policy Resources](#) webpage:

- [ABAWD Time Limit Policy and Program Access Memo](#) (2015)
- [Expiration of Statewide ABAWD Time Limit Waivers](#) (2015)
- [Best Practices and Resources for Informing Households of ABAWD Rules](#) (2018)
- [Requirements for Informing Households of ABAWD Rules](#) (2017)
- [ABAWDS Time Limit Exemption for Veterans Disability Benefit Recipients](#) (2016)

### Tracking ABAWDs

Generally speaking, tracking ABAWDs means identifying household members who do not meet any exemptions from the time limit at 7 CFR 273.24(c), keeping accurate and timely records on whether or not ABAWDs subject to the time limit are meeting the work requirement in each month, and measuring the 3-year period. State agencies must track ABAWDs, even in currently waived areas, so that they will be ready to transition off the temporary waiver and reintroduce the time limit. Accurate tracking will ensure only those ABAWDs who meet the ABAWD work requirement receive benefits for more than 3 months in a 3-year period.

For more information on tracking ABAWDs, please review the following documents on the [ABAWD Policy Resources](#) webpage:

- [Guide to Serving ABAWDs Subject to the Time Limit](#) (2015)
- [Expiration of Statewide ABAWD Time Limit Waivers](#) (2015)
- [ABAWD Questions and Answers](#) (2015)
- [Clarifications on Work Requirements, ABAWDs, and E&T](#) (2018)

### Serving ABAWDs

In addition to paid, unpaid, and in-kind work, ABAWDs can meet their work requirements through participation in work programs and workfare programs. Work programs can be Federal, State, or locally administered programs and include programs under title 1 of the Workforce Innovation and Opportunities Act (WIOA) operated by the Department of Labor, section 236 of the Trade Act, the SNAP Employment and Training (E&T) Program, and programs targeted to veterans operated by the Department of Veterans Affairs or the Department of Labor.

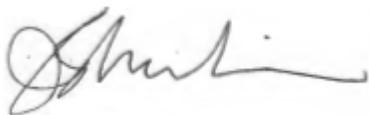
FNS strongly encourages State agencies to leverage the experience and expertise of their statewide workforce development systems to identify opportunities that will enable ABAWDs to meet their work requirements. The statewide workforce development system is a network of public and non-governmental providers, community-based organizations, occupational training providers, or post-secondary institutions. For instance, American Job Centers (AJCs) are operated by the Department of Labor [throughout the country](#) and provide a full range of

assistance to job seekers under one roof. Participation in a SNAP E&T program is another way ABAWDs can remain eligible. In a [letter](#) dated November 2, 2018, Secretary Sonny Perdue asked States to join him in committing to effectively engage with the ABAWD population, helping them to move to work. FNS is committed to helping State agencies think strategically about the role the existing workforce development system can play in responding to the needs of ABAWDs, as well as identifying ways to strengthen their SNAP E&T programs.

Additionally, FNS reminds State agencies that the *Agriculture Improvement Act of 2018* included a provision,<sup>2</sup> effective immediately, to require State agencies at certification and recertification to advise certain household members of available employment and training services. The information about employment and training services is not limited to SNAP E&T, but should include existing services offered through the workforce development system. While this new requirement specifically targets individuals subject to the general work requirements in households with no earned income, containing at least one adult, and no elderly or disabled individuals, as a best practice, State agencies should provide employment and training information to any SNAP household seeking to improve their employment opportunities. State agencies can work with local employment and training providers and local workforce development networks to identify opportunities appropriate to a range of SNAP households in communities across their State.

For more information on ABAWD policies, please refer to the [ABAWD Policy Resources](#) webpage. FNS stands ready to assist State agencies in their responsibility to screen, track, and serve ABAWDs. State agencies should contact their respective FNS Regional Offices with any questions.

Sincerely,



Jessica Shahin  
Associate Administrator  
Supplemental Nutrition Assistance Program

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<sup>2</sup> Section 4005 of the *Agriculture Improvement Act of 2018* (P.L. 115-334)  
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