



APR - 2 2009

United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
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SUBJECT: Clarifications of the American Recovery and Reinvestment Act of 2009
Certification Provisions – ABAWDs and Additional Issues –
Questions and Answers #6

TO: Regional Directors
Supplemental Nutrition Assistance Program (SNAP)
All Regions

The attached questions and answers are in response to issues raised by the States, through various discussions, concerning SNAP provisions of the American Recovery and Reinvestment Act of 2009 (P.L. 111-5), which was enacted on February 17, 2009.

Please direct any questions to the appropriate regional contact in the Certification Policy Branch.

A handwritten signature in cursive script that reads "Arthur T. Foley".

Arthur T. Foley
Director
Program Development Division

Attachment

**Supplemental Nutrition Assistance Program (SNAP) and the American Recovery
and Reinvestment Act of 2009 (ARRA)**

Questions and Answers

Section 101(e) Treatment of Jobless Workers (ABAWDs)

Question 1. Can a State choose to suspend the ABAWD time limits under ARRA only in certain areas or selected counties within the State?

Answer In States that offer qualifying work opportunities, ARRA requires the continuing eligibility of ABAWDs who comply with the requirements of such programs *when offered*. With respect to an ABAWD who does not comply with the requirements of such a program, the provisions of section 6(o) of the Food and Nutrition Act of 2008 (FNA) are unaffected by ARRA and State agencies should proceed as they normally would by either determining the ABAWD ineligible under section 6(o) or applying the appropriate sanction pursuant to section 6(d) of the FNA. Under ARRA, States do not need to request waivers from FNS to exempt ABAWDs from the time limit, since the suspension of such time limits is automatic, unless the State offers qualifying work opportunities. A State agency may decide on its own whether and where to offer qualifying work opportunities. If this changes the scope of the State E&T plan, the State agency should submit an amended plan.

Question 2. What happens to the 15% ABAWD exemptions already allocated to States for Fiscal Year (FY) 2009 and those that normally would be allocated for FY 2010?

Answer FY 2009 ABAWD exemptions already have been allocated, and they will not be rescinded. Further, existing State balances of ABAWD exemptions will be unaffected by ARRA. FNS does not expect to allocate any new 15% ABAWD exemptions for FY 2010, since ARRA suspends the time limits and exemptions would not be required during this period. FNS will issue additional guidance concerning the calculation and allocation of 15% exemptions for FY 2011 and subsequent years prior to the expiration of ARRA.

Question 3. If a State currently has an approved 12-month ABAWD waiver based on a Department of Labor (DOL) trigger notice can the State continue to extend its eligibility for this waiver beyond the existing waiver approval for each month that the State remains on the trigger notice? For example, if a State was approved for a one-year statewide ABAWD waiver based on a DOL trigger notice as of February 15, 2009, could the State extend its statewide waiver beyond the 12 month approval period if it remained on the trigger notice. For example, if the State continued to appear on the trigger notice for another 8 months, could it extend the waiver to 20 months?

Answer Under ARRA, Statewide waivers are not necessary beginning April 1, 2009 and continuing through September 30, 2010. Therefore, it is not necessary for a State to request an extension of the terms of its waiver during this period. FNS will address waiver and exemption policy during 2010 to allow States sufficient time to develop and submit waiver requests prior to October 1, 2010.

Question 4. Does the ABAWD waiver available under a trigger notice have different criteria/requirements than the ABAWD waiver available under ARRA?

Answer ARRA suspends the ABAWD time limit unless a State chooses to operate a qualifying work program and offers qualifying slots to individuals. Since ARRA suspends the ABAWD time limits, restrictions are already waived on a statewide basis for all ABAWDs, and no additional waiver is needed.

Additional Questions and Answers

Question 1. Could the increase in unemployment compensation (UC) benefits provided under ARRA decrease a household's SNAP benefits?

Answer While the additional \$25 in weekly income would lower a household's SNAP benefit, the value of the ARRA benefit increase would more than offset the decrease except for households receiving the minimum SNAP benefit.

Question 2. How will the stimulus UC benefit increase of \$25 per week be treated for programs other than SCHIP and Medicaid? It will be hard for some States with integrated eligibility systems to program differences, especially if they rely on data matches with DOL to verify this income.

Answer This income will be counted in determining SNAP benefits. FNS expects that data matches would show this income.

Question 3. When does the \$25 increase in UC benefits have to be reflected for SNAP households that are on Simplified Reporting?

Answer Simplified reporters will likely not have to report this increase in UC unless the increase puts the household over 130% of the Federal Poverty Limit (FPL). Since the UC match is considered verified upon receipt for States that run this match, changes would need to be handled consistent with Federal regulations at 7 CFR 272.8(c).

Question 4. Are States required to track and report separately on the increase in client benefit allotments provided under ARRA?

Answer

No. FNS National Office is developing a uniform national method to track the portion of total SNAP benefits due to ARRA. States are not expected to separately track and report on these benefit amounts. Current reporting requirements on participation and benefit issuance will continue.