

United States Senate

WASHINGTON, DC 20510

December 18, 2018

The Honorable Sonny Perdue
Secretary of Agriculture
United States Department of Agriculture
1400 Independence Ave SW
Washington, DC 20250

Dear Secretary Perdue:

We write to urge you to review and update the regulations governing state waivers for able-bodied adults without dependents (ABAWDs) in the Supplemental Nutrition Assistance Program (SNAP) to ensure work requirements are applied as Congress intended. The current regulations allowing states to exempt ABAWDs from time limits and work requirements are too broad and do not meet the congressional intent of encouraging able-bodied Americans to get back to work.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 and the Food and Nutrition Act of 2008 limit the amount of time an ABAWD can receive SNAP benefits unless the individual is working at least 80 hours per month, participating in a qualified education or workforce training program, or complying with a state-run workfare program.¹ Under current USDA regulation, states can apply for waivers exempting ABAWDs from time limits and work requirements in two ways: 1) a state can request a waiver of ABAWD time limit and work requirements for an area that has an unemployment rate of 10 percent or does not have a sufficient number of jobs to provide employment for individuals (time limit waiver),² or 2) a state agency may exempt up to 15 percent of ABAWDs who would otherwise be subject to time limit and work requirements, if the individual's work requirements have not already been waived by a time limit waiver (15 percent exemption).³

Furthermore, states have significant latitude to include areas with lower unemployment rates and to design the geographic waivers such that the entire state's SNAP population is exempt from federal work requirements. While both the time limit waiver and the 15 percent exemption allow states to tailor their SNAP programs to suit the needs of their citizens, we are deeply concerned that both of these tools, as they are being applied, undermine the work requirements Congress explicitly applied to ABAWDs receiving SNAP benefits, making work requirements effectively meaningless. In 2018, 36 states and territories were approved for

¹ Section 6 of the Food and Nutrition Act of 2008, as amended, codified at 7 USC § 2015(o). ABAWDs can be exempted from work requirements if they are under 18 or over 50 years of age, medically certified as physically or mentally unfit for employment, responsible to for a dependent child or incapacitated person, pregnant, or enrolled in school or training program at least half-time. 7 USC § 2015(o)(3).

² 7 USC § 2015(o)(4).

³ 7 USC § 2015(o)(6).

statewide or partial ABAWD time limit waivers.⁴ In areas of states that are not covered by these time limit waivers, states can still use 15 percent exemptions for ABAWDs to exempt specific individuals from work requirements. These 15 percent exemptions do not expire and states can carry over unused exemptions indefinitely,⁵ which may result in more than 15 percent of ABAWDs being exempt from work requirements. Both categories of waivers often extend for years beyond the initial lag in employment opportunities, with many able-bodied adult beneficiaries receiving SNAP benefits for years without ever looking for work.

Work is good for individuals. It provides self-sufficiency, dignity, and opportunity. Evidence in Kansas and Maine indicates that reinstating work requirements for ABAWDs correlated with people returning to work and improving their circumstances. In Kansas, after the first year of reinstating work requirements for ABAWDs, the Foundation for Government Accountability found that 60 percent of individuals no longer receiving SNAP benefits found employment within 12 months and their incomes rose by 127 percent that year.⁶ In Maine, after the first year of reinstating work requirements for ABAWDs, the Maine Office of Policy and Management found that ABAWDs closed out for non-compliance experienced a 114 percent increase in total wages from the third quarter of 2014 to the fourth quarter of 2015.⁷ Those ABAWDs who complied with the work requirement rule experienced a 20 percent increase in total wages through the same period.⁸ It is clear that, for all who are able, work should be encouraged.

We applaud that the USDA has already solicited comments about requirements and services for ABAWDs in SNAP.⁹ We encourage you to continue working to reform the state waiver process and to ensure SNAP fulfills its goal of providing food security for vulnerable citizens while also providing a pathway to meaningful, productive, sustaining work.

Sincerely,

⁴ USDA, “Supplemental Nutrition Assistance Program (SNAP): Status of State Able-Bodied Adult without Dependents (ABAWD) Time Limit Waivers – Fiscal Year 2019 – 1st Quarter” *available at*, <https://fns-prod.azureedge.net/sites/default/files/snap/FY19-Quarter1-ABAWD-Waiver-Status.pdf>.

⁵ USDA OIG, FNS Controls over SNAP Benefits for Able-Bodied Adults Without Dependents, Audit Report 27601-0002-31 (Sept. 2016) at p. 10, *available at*, <https://www.usda.gov/oig/webdocs/27601-0002-31.pdf>.

⁶ Johnathan Ingram and Nic Horton, “The Power of Work: How Kansas’ Welfare Reform is Lifting Americans Out of Poverty” (Feb. 2016) at p. 12-14, *available at*, <https://thefga.org/wp-content/uploads/2016/02/Kansas-study-paper.pdf>.

⁷ Maine Governor’s Office of Policy and Management, “Preliminary Analysis of Work Requirement Policy on the Wage and Employment Experiences of ABAWDs in Maine” (April 2016) at p. 2, *available at*, https://digitalmaine.com/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1000&context=ogvn_policy.

⁸ *Ibid.*

⁹ Proposed Rule, Supplemental Nutrition Assistance Program: Requirements and Services for Able-Bodied Adults Without Dependents, Docket ID: FNS-2018-0004, *available at*, <https://www.regulations.gov/docket?D=FNS-2018-0004>.



Ben Sasse
U.S. Senator



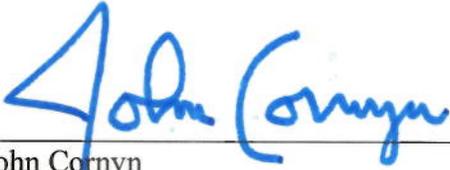
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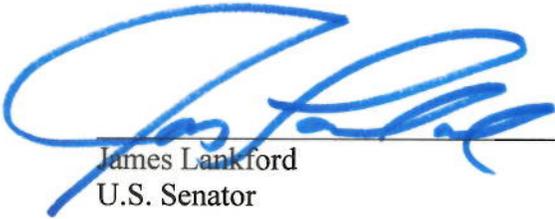
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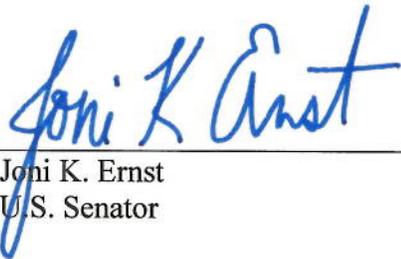
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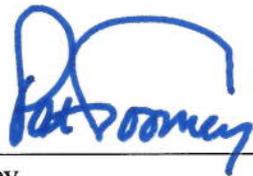
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