



441 G St. N.W.
Washington, DC 20548

B-331670

December 16, 2019

The Honorable Pat Roberts
Chairman
The Honorable Debbie Stabenow
Ranking Member
Committee on Agriculture, Nutrition, and Forestry
United States Senate

The Honorable Collin C. Peterson
Chairman
The Honorable K. Michael Conaway
Ranking Member
Committee on Agriculture
House of Representatives

Subject: *Department of Agriculture, Food and Nutrition Service: Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents*

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Agriculture (the Department), Food and Nutrition Service entitled "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents" (RIN: 0584-AE57). We received the rule on December 5, 2019. It was published in the *Federal Register* as a final rule on December 5, 2019. 84 Fed. Reg. 66782. The effective date of the rule is April 1, 2020, except for the amendment to section 273.24(h) of title 7, Code of Federal Regulations, which is effective October 1, 2020.

According to the Department, section 6(o) of the Food and Nutrition Act of 2008 (the Act), as amended, generally limits the amount of time an able-bodied adult without dependents (ABAWD) can receive Supplemental Nutrition Assistance Program (SNAP) benefits to 3 months in a 36-month period, unless the individual meets certain work requirements. The Department stated that on the request of a state SNAP agency, the Act gives the Department the authority to temporarily waive the time limit in areas that have an unemployment rate of over 10 percent or a lack of sufficient jobs. In addition, the Department notes that the Act provides state agencies with a limited number of discretionary exemptions that can be used by states to extend SNAP eligibility for ABAWDs subject to the time limit.

The final rule revises the conditions under which the Department would waive, when requested by states, the ABAWD time limit in areas that have an unemployment rate of over 10 percent or a lack of sufficient jobs. In particular, the Department stated that it is codifying a strict definition of an "area in which the individuals reside" for purposes of a geographic area covered by a waiver and redefining what demonstrates that such an area "has an unemployment rate of over 10 percent" or "does not have a sufficient number of jobs to provide employment for the

individuals” for purposes of such an area qualifying for a waiver. The rule also limits carryover of unused discretionary exemptions.

Enclosed is our assessment of the Department’s compliance with the procedural steps required by section 801(a)(1)(B)(i) through (iv) of title 5 with respect to the rule. If you have any questions about this report or wish to contact GAO officials responsible for the evaluation work relating to the subject matter of the rule, please contact Janet Temko-Blinder, Assistant General Counsel, at (202) 512-7104.

signed

Shirley A. Jones
Managing Associate General Counsel

Enclosure

cc: Kelly Stewart
PRAO Branch Chief
Department of Agriculture

REPORT UNDER 5 U.S.C. § 801(a)(2)(A) ON A MAJOR RULE
ISSUED BY THE
DEPARTMENT OF AGRICULTURE,
FOOD AND NUTRITION SERVICE
ENTITLED
“SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM:
REQUIREMENTS FOR ABLE-BODIED ADULTS WITHOUT DEPENDENTS”
(RIN: 0584-AE57)

(i) Cost-benefit analysis

The Department of Agriculture (the Department) estimates that this final rule will impose \$0.16 million in annualized costs at a 7 percent discount rate, discounted to a 2016 equivalent, over a perpetual time horizon.

(ii) Agency actions relevant to the Regulatory Flexibility Act (RFA), 5 U.S.C. §§ 603-605, 607, and 609

The Department determined that this final rule will not have an impact on small entities because the rule primarily impacts state agencies.

(iii) Agency actions relevant to sections 202-205 of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. §§ 1532-1535

The Department determined that this final rule does not contain federal mandates for state, local, and tribal governments for the private sector of \$146 million or more in any one year.

(iv) Other relevant information or requirements under acts and executive orders

Administrative Procedure Act, 5 U.S.C. §§ 551 *et seq.*

On February 1, 2019, the Department published a proposed rule. 84 Fed. Reg. 980. The Department received more than 100,000 comments from a broad range of stakeholders. The Department stated that it reviewed and considered all comments received. The Department responded to comments that, in its view, were substantive and provided an opinion or recommendation on a specific policy and included detailed reasoning. However, the Department did not address in detail comments that were outside the scope of the proposed rulemaking.

Paperwork Reduction Act (PRA), 44 U.S.C. §§ 3501-3520

The Department determined that this final rule contains information collection requirements (ICRs) under the Act. The Department submitted the ICRs to the Office of Management and Budget (OMB) for review and approval. Under the ICR entitled “SNAP Waiver of Section 6(o) of the Food and Nutrition Act,” the Department estimates an annual burden of 85,489 hours and \$2,795,993.30 for state agencies and for households an annual burden of 85,767 hours and \$621,808.33 (OMB Control Number 0584-0479).

Statutory authorization for the rule

The Department promulgated this final rule pursuant to sections 2011-2036 of title 7, United States Code.

Executive Order No. 12,866 (Regulatory Planning and Review)

The Department determined that this final rule is economically significant under the Order and submitted it to OMB for review.

Executive Order No. 13,132 (Federalism)

The Department determined that this final rule has federalism implications but that it does not impose substantial or direct compliance costs on state and local government, nor does it preempt state or local law.