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USDA, States Must Act Swiftly to Deliver Food Assistance Allowed by Families First Act

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The Families First Coronavirus Response Act¹ provided temporary new authority and broad flexibility for the Agriculture Department (USDA) and states to adapt the Supplemental Nutrition Assistance Program (SNAP, formerly food stamps) to address many people’s food needs during the current public health emergency and immediate economic shock from the COVID-19 pandemic. USDA and states need to act quickly and aggressively to fully utilize SNAP in order to protect public health and mitigate hardship.

The scope of what USDA will allow and what states will ask for is still in flux in this rapidly changing environment. State and local agencies that run the nutrition programs are working to understand their communities’ needs and the changes they can make quickly to address them while keeping their workforce safe. Despite recent advances in online services for participants, SNAP in most states includes much in-person interaction between clients and state eligibility workers, as well as a business model that often has large numbers of state staff working in office buildings. Even as states adjust their operations to transition their SNAP programs to a social distancing environment, they are beginning to see increased demand for SNAP due to losses of jobs and income. USDA issued a first round of guidance on some of the key benefit provisions on March 20 and subsequently has offered additional information about the waivers and flexibilities it will quickly approve in order to help states get resources to households that need help affording food.²

These initial steps have been helpful, but USDA must move more quickly to issue guidance to states on how to handle the influx of new applications from households adversely affected by COVID-19. The Labor Department reported that over just two weeks, 10 million people filed for

¹ H.R. 6201, The Families First Coronavirus Response Act, <https://www.congress.gov/116/bills/hr6201/BILLS-116hr6201enr.pdf>. The President signed it into law on March 18. The more recent coronavirus bill — the Coronavirus Aid, Relief, and Economic Security (CARES) Act — includes no additional SNAP changes. See Dottie Rosenbaum, “Latest Coronavirus Response Package Doesn’t Boost SNAP — the Next One Should,” CBPP, March 27, 2020, <https://www.cbpp.org/blog/latest-coronavirus-response-package-doesnt-boost-snap-the-next-one-should>.

² USDA is posting information about state waivers at “SNAP State by State COVID-19 Waivers,” <https://www.fns.usda.gov/disaster/pandemic/covid-19/snap-waivers-flexibilities>.

Unemployment Insurance, dwarfing the previous record high for seasonally adjusted weekly claims of 695,000. SNAP is likely to see record numbers of new requests for help with affording food just as many states' offices may be closed and many of their workers must stay at home.

This paper summarizes the new authority available to states in SNAP and discusses the range of options that may be available, including:³

Benefit increases to boost resources available for food. States can provide short-term benefit increases with approval from USDA under two different provisions.

- The Act allows states to provide emergency supplemental SNAP benefits to many participating SNAP households to address temporary food needs. This likely is the fastest way to get additional resources for food into the hands of many SNAP recipients. Unfortunately, USDA is interpreting this provision in a way that leaves out SNAP benefit increases for the poorest SNAP households — those who already receive the maximum SNAP monthly benefit.⁴ But for households not already receiving the maximum benefit, states can raise their monthly benefit to the maximum for their household size. So far at least 44 states have received waivers for these benefits.
- For households with children who attend a school that's closed and who would otherwise receive free or reduced-price meals, states may provide meal-replacement benefits — which USDA refers to as Pandemic EBT (P-EBT) — through SNAP for both households already receiving SNAP and households with school-age children that are *not* already enrolled in SNAP.⁵ This provision can compensate families for the cost of the meals their children are missing out on because their schools are closed. USDA has issued guidance for states on what it will approve quickly under this provision.⁶ Since more than 90 percent of school-age children who receive SNAP are automatically enrolled for free school meals, states should be able to quickly add meal-replacement benefits to SNAP households with school-age children. States may need more time to get the process in place for families with school-age children that do not already receive SNAP, but they and USDA should move expeditiously to do so.

³ In addition to the SNAP changes discussed in this paper, the Families First Coronavirus Response Act includes changes to other food and nutrition programs, including: (1) funding for additional commodity purchases for emergency food programs; (2) increased funding for the nutrition assistance block grants in Puerto Rico, American Samoa, and Northern Mariana Islands; (3) added flexibility for schools and child care providers that are closed, as well as community-based organizations, to offer meals to children while allowing for social distancing; and (4) new flexibility in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) for states to seek waivers of rules that would impede enrolling and serving families remotely while WIC clinics are closed.

⁴ See USDA, "SNAP COVID-19 Emergency Allotments Guidance," <https://www.fns.usda.gov/resource/snap-covid-19-emergency-allotments-guidance>.

⁵ The assistance for households not already receiving SNAP benefits also will be provided on SNAP EBT cards.

⁶ See USDA, "State Guidance on Coronavirus Pandemic EBT (P-EBT)," <https://www.fns.usda.gov/resource/state-guidance-coronavirus-pandemic-ebt-p-ebt>.

Nothing in the legislation or USDA’s preliminary guidance prohibits a household from benefitting from both provisions.⁷

Suspension of work requirement. The Act includes a nationwide, temporary suspension of SNAP’s three-month time limit on benefits for adults under age 50 without children in their home, in recognition of the current emergency’s drastic effects on the labor market and unemployment. The provision took effect April 1 and requires no additional waivers or guidance from USDA.⁸ Under previously existing authority, states can also halt benefit sanctions for failure to meet work requirements in their Employment and Training (E&T) programs.

Changes to SNAP operations and administration. The Act allows USDA to approve state plans to adjust their SNAP operations and procedures to help states manage their workload under current conditions. This could include a number of approaches to easing states’ workload to facilitate processing the large number of new applications expected. For example, USDA has already allowed states to extend certification periods and take other measures to keep current participants from having their cases closed when they cannot conduct business online or remotely. USDA also has allowed states to modify their application processes to streamline operations, for example by reducing interview requirements and adapting telephone signature procedures.⁹

The measures in the new law build on SNAP’s existing structure, which includes entitlement funding that can respond to rising need by expanding as poverty and unemployment rise. Given the serious risk of a sharp economic downturn and SNAP’s effectiveness at reaching many low-income households, it is unfortunate that some lawmakers resisted efforts to include in the more recent CARES bill additional, longer-term SNAP-based stimulus, similar to provisions of the 2009 Recovery Act that helped the economy recover from the Great Recession. Policymakers must address this limitation in their next stimulus measure, both because a growing number of families are struggling to afford food and because SNAP benefits are among the fastest, most effective forms of economic stimulus because they get money into the economy quickly as SNAP participants use their benefits to buy food at local stores.

USDA and States Can Provide Additional Benefits for Many Current SNAP Participants

USDA and many states have acted quickly to get additional resources for food into the hands of low-income families and individuals — many of whom, even before this crisis, struggled with food insecurity and have difficulty making ends meet when their SNAP benefits run out before the end of the month. With schools and child care centers closed, businesses shuttered, and a plea from public health officials to socially distance, workers from a broad swath of the economy where many SNAP recipients work — from restaurants to retail stores to factories to ride-share drivers — can’t work because their businesses are closed entirely or face sharp declines in demand. Moreover, most

⁷ States and schools also do not need to track whether families are also receiving “grab and go” meals from their schools or a community-based organization.

⁸ USDA guidance on the temporary suspension of the time limit can be found at <https://fns-prod.azureedge.net/sites/default/files/resource-files/FFCRA-Impact-on-ABAWD-TimeLimit.pdf>.

⁹ “Most States Are Easing SNAP Participation Rules; Many Have Opted to Provide Added Benefits,” Center on Budget and Policy Priorities, updated April 2, 2020, <https://www.cbpp.org/research/food-assistance/most-states-are-easing-snap-participation-rules-many-have-opted-to-provide>.

jurisdictions have asked people to stay home, precipitating a need to stock up on groceries, which could be especially difficult for low-income households with little or no savings.

The Families First Coronavirus Response Act is intended to address the immediate needs brought on by the emergency. Policymakers gave USDA very broad authority, expecting USDA to use it to the maximum extent possible to alleviate the human crisis. States proved during the last economic crisis that SNAP is one of the fastest ways, if not *the* fastest, to get additional resources to low-income individuals. The 2009 Recovery Act became law in mid-February and SNAP benefit increases took effect that April. In 2019, USDA and states again proved that they could adapt SNAP very quickly during the partial government shutdown, moving within days to issue SNAP benefits early for almost all participating households for February 2019 to prevent households from losing out on critical food assistance.

This is another moment that requires USDA and states to leverage SNAP's reach to address the needs of low-income households. The Families First Coronavirus Response Act provides two different routes, described below, for states to supplement SNAP benefits with USDA approval.

Emergency Supplementary SNAP Benefits for Many SNAP Households

First, the Act allows states to provide emergency supplemental SNAP benefits to many participating SNAP households to address temporary food needs.¹⁰ The legislation appears to authorize USDA to provide an *additional* allotment to all households up to the amount of the maximum benefit for their household size.¹¹ Unfortunately, USDA is interpreting the provision to allow states to raise SNAP benefits for each household only *up to* the maximum benefit for the household size.

This means that the provision will not help any households already at the maximum benefit, which make up nearly 40 percent of SNAP households and those with the lowest incomes. The reason households receive the maximum benefit is that they have *no* income available to purchase food under the SNAP benefit calculation rules.¹² About 2.5 million of the roughly 7 million households receiving the maximum benefit are families that include children, and about 700,000 of these families only have preschool-aged children, who are ineligible for the Act's other SNAP

¹⁰ Section 2302 of Act. The section requires a state to have issued an emergency or disaster declaration to trigger the supplemental benefits. USDA's guidance on this provision can be found at <https://www.fns.usda.gov/resource/snap-covid-19-emergency-allotments-guidance>.

¹¹ The language says, "the Secretary of Agriculture — (1) shall provide, at the request of a State agency ... for emergency allotments to households participating in the supplemental nutrition assistance program ... to address temporary food needs not greater than the applicable maximum monthly allotment for the household size." The maximum monthly SNAP benefit currently is \$194 for a single individual and \$509 for a family of three. See <https://fns-prod.azureedge.net/sites/default/files/media/file/COLA%20Memo%20FY%202020.pdf>.

¹² The maximum benefit is tied to the Agriculture Department's "Thrifty Food Plan," a diet plan intended to provide adequate nutrition at a minimal cost. SNAP households are expected to spend 30 percent of their net income on food, and SNAP makes up the difference between the household's contribution and the maximum benefit. (Net income is calculated by subtracting from gross income a series of deductions for necessary expenses such as shelter and child care costs.) For a more detailed description of the SNAP benefit rules, see "A Quick Guide to SNAP Eligibility and Benefits," Center on Budget and Policy Priorities, updated November 1, 2019. <https://www.cbpp.org/sites/default/files/atoms/files/11-18-08fa.pdf>

benefit provision (described below), which is restricted to school-aged children. About 1 million households receiving the maximum benefit are households with elderly members, and 600,000 are households with people with disabilities; neither group will benefit from the other SNAP benefit provision.

Despite USDA's restrictive interpretation, states can use this provision to help many households that participate in SNAP, including working households and many senior citizens and people with disabilities, who receive benefits lower than the maximum SNAP benefit. Most states have already been approved to issue emergency allotments for two months under this authority.¹³

The ability to issue the maximum benefit to new applicant households can also help states manage their workload by lowering the administrative effort needed to process new applications. States may be able to dispense with collecting and verifying some of the detailed information about household income and expenses that is normally needed to determine benefit levels under the SNAP benefit formula, since all households will receive the maximum benefit for their household size.

SNAP for Children Not Receiving School Meals Due to School Closures

Second, the Act allows states to provide meal-replacement benefits through SNAP for households with children who attend a school that's closed and who would otherwise receive free or reduced-price meals. (USDA is calling this provision "P-EBT," for "pandemic electronic benefit transfer.")¹⁴ States may provide supplemental SNAP benefits for households already receiving SNAP, and may also provide benefits to households with school-age children who are not already enrolled in SNAP. The amount of this benefit would be the value of a free breakfast and lunch for five school days a week, or about \$114 a month per child.

For current SNAP recipients, we strongly urge USDA to allow states to assume that all school-age children in households receiving SNAP benefits receive free school meals. School districts are required to "directly certify" (automatically enroll) children in households receiving SNAP for free school meals and most states successfully automatically enroll more than 90 percent of these children; additional children in households receiving SNAP benefits are enrolled based on an application with their SNAP case number. There is no utility in making states do a cumbersome, time-consuming data match that would only find that virtually all school-age children in households receiving SNAP benefits also receive free school meals.

Likewise, we urge USDA to provide the additional P-EBT benefit to families with school-age children that are newly enrolled for SNAP. These children are all eligible for free school meals, but schools are unlikely to approve children for free school meals while closed.

For school-age children whose families are *not* enrolled in SNAP, states will have to develop a way to gather the information needed to issue SNAP EBT cards with the P-EBT benefit. Setting up this process may take longer than issuing supplemental benefits to households already enrolled in SNAP, but will be important as school districts' ability to provide meals diminishes due to staff illness, social distancing precautions, and state and local policies to slow the spread of the pandemic.

¹³ "SNAP State by State COVID-19 Waivers," *op. cit.*

¹⁴ USDA's guidance on this provision can be found at <https://www.fns.usda.gov/resource/state-guidance-coronavirus-pandemic-ebt-p-ebt>.

USDA’s guidance clearly allows states to rely on data from other agencies or programs when determining eligibility for P-EBT benefits. States should draw on existing data for as many eligible families as possible, ideally leaving only a small group that must apply individually.

If the agency running the state’s school meals programs can provide the SNAP agency with the roster of children approved on an individual basis for free or reduced-price school meals and all children attending schools that serve all meals at no charge under community eligibility (and similar provisions), this information will help states issue P-EBT benefits and issue them more quickly.¹⁵ If that agency cannot provide such a list, the SNAP agency could set up a process for individual school districts to provide lists. In addition, states participating in a demonstration project that allows them to use Medicaid data on household income to automatically enroll children for free or reduced-price school meals might also be able to use Medicaid data to provide P-EBT benefits; other states might be able to quickly set up a process to obtain Medicaid or Children’s Health Insurance Program (CHIP) data for this purpose. But if the state cannot identify through a data source all children who otherwise would receive free or reduced-price school meals, the state will need to set up an application process for families.

USDA’s guidance allows states to sequence their rollout of the P-EBT benefits. Thus, states can begin providing the benefits to children in households already receiving SNAP while they develop procedures to reach children not currently receiving SNAP.

The Act does not prohibit households from benefitting from both of its benefit supplements. As long as the emergency persists and schools remain closed, it will be appropriate for households with school-age children to receive a supplement for the cost of school breakfasts and lunches that they aren’t receiving at school, alongside any increased SNAP benefit their family would get under the emergency supplement provision.

¹⁵ Community eligibility is a provision of the school meals programs that allows high-poverty schools to offer breakfast and lunch to all students at no charge. The Families First Coronavirus Response Act specifically states that children “served under section 11(a)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d), 1759(a)(1))” are eligible for P-EBT benefits, which includes children attending schools operating under community eligibility and similar provisions. For more information about community eligibility, see <https://www.fns.usda.gov/school-meals/community-eligibility-provision>.

States Can Protect WIC Nutrition Assistance for Pregnant Women, Young Children

The Families First Coronavirus Response Act gives states the authority to ensure that WIC benefits remain accessible even if COVID-19 concerns keep WIC clinics closed or parents away. WIC usually requires applicants or families that are recertifying for benefits to attend an in-person appointment in a WIC clinic. But during this pandemic, it may be inadvisable to keep clinics open and risky for some families to go to them even if they remain open.

WIC already gives states some flexibility to support clients who need to delay an appointment, but the new law provides \$500 million in additional funding and important flexibility to help serve eligible families through WIC. (It also lets child care providers that close their facilities continue to provide meals in a non-congregate setting.)

The new law lets states seek a federal waiver to enroll new families or recertify current enrollees without an in-person appointment and defer obtaining the height, weight, and bloodwork information that program administrators typically use to tailor the foods and nutrition education that WIC provides. It also lets states request a waiver of any regulatory requirement that they determine is impeding assistance. USDA is already approving waivers allowing for remote certifications and recertifications, remote issuance of benefits, and deferral of obtaining height, weight, and bloodwork.^a States are seeking waivers of additional provisions to facilitate remote certifications and allow for a simplified process. They are also working to ensure that WIC foods are available to participants in grocery stores so they can fully use their benefits. The National WIC Association has provided resources to help states identify additional waivers that could be useful.^b

States should act quickly to use these new flexibilities, as gaps in adequate nutrition in early childhood can have lasting consequences. WIC provides nutritious foods that fill gaps in the diets of low-income women and young children, along with nutrition education, breastfeeding support, and referrals to health care or social services. WIC participation improves low-income families' nutrition and health at a critical stage of development, a substantial body of research shows,^c leading to healthier babies, more nutritious diets, better health care for children, and higher academic achievement for students.

Nationwide, nearly 25 percent of children between ages 1 and 4 participate in WIC, as do nearly half of all infants (45 percent as of 2017)^d, many of whom rely on the infant formula that the program provides. Thus, it's important to keep WIC running even when families or staff should not be in a WIC clinic. WIC can shore up nutrition for low-income families with young children, including families that face a sharp income decline due to the pandemic's economic effects.

^a See "FNS Response to COVID-19," <https://www.fns.usda.gov/disaster/pandemic/covid-19>.

^b See https://s3.amazonaws.com/aws.upl/nwica.org/fy20_nwa_factsheet_covid-19.pdf and <https://s3.amazonaws.com/aws.upl/nwica.org/regulatory-citations-for-recommended-state-agency-waivers.pdf>.

^c Steven Carlson and Zoë Neuberger, "WIC Works: Addressing the Nutrition and Health Needs of Low-Income Families for 40 Years," Center on Budget and Policy Priorities, revised March 29, 2017, <https://www.cbpp.org/research/food-assistance/wic-works-addressing-the-nutrition-and-health-needs-of-low-income-families>.

^d U.S. Department of Agriculture, "National- and State-Level Estimates of WIC Program Eligibility and WIC Program Reach in 2017, Volume 1," December 2019, <https://fns-prod.azureedge.net/sites/default/files/resource-files/WICEligibles2017-Volume1.pdf>.

Adjusting SNAP Operations and Administration

The Act gives USDA very broad flexibility to allow states to adjust their administrative requirements and operations to manage their workload under the current conditions.¹⁶ There are a number of important steps USDA and states can take, and have begun to take. The first, immediate priority is to keep current SNAP participants connected to the program so that large numbers of eligible households do not lose benefits in the coming months due to missed appointments or paperwork. These households very likely are still needy and eligible. Losing access to SNAP benefits would only worsen their circumstances and further burden states, which would need to process preventable applications by households that fell off the program.

Extending certification periods. Each month a cohort of SNAP households comes up for “recertification,” which must be completed by the end of the month for SNAP to continue in the next month for eligible households. It is well documented that these recertification months are a major risk point where eligible households can lose benefits because of a procedural problem, such as the household or state failing to complete the recertification interview or the household failing to provide (or the state failing to act on) all requested verification documents. Many households do not realize their EBT cards have not been loaded with the next month’s benefits until they are in line at the store register. Once they realize their case has closed, they must reapply for benefits and wait up to 30 days for their benefits to be determined.

These kinds of problems will likely be exacerbated by the current landscape. In response to local public health requirements regarding social distancing as well as a reduced workforce due to school closures, states have started closing local offices to walk-in traffic.¹⁷ Households may have a more difficult time dropping off verification documents or appearing for an in-person interview. Moreover, fewer state staff are available to conduct interviews or process recertification applications and paper verification because they are caring for their school-age children or staying out of the office because they are in a high-risk group for contracting the virus. (Most states did not have the ability for remote work at the start of the crisis.) State systems are often programmed to terminate an eligible household that does not renew benefits by a date certain even when the household has turned in all of the required paperwork and is waiting for the state agency to act.¹⁸

In Medicaid, policymakers were so concerned about coverage losses that they conditioned the new law’s enhanced Medicaid match-rate funding on states agreeing to not terminate any Medicaid beneficiaries until after the end of the emergency period. Though the Act does not provide such a condition for SNAP, USDA has allowed states to extend certification periods for all SNAP

¹⁶ Section 2302 of Act. The section requires a state to have issued an emergency or disaster declaration to trigger the broad flexibilities to adjust administrative requirements.

¹⁷ See, for example, reports from Louisiana (<https://www.katc.com/news/covering-louisiana/dcfs-temporarily-closes-offices-to-visitors-due-to-covid-19>) and <http://www.dcfs.louisiana.gov/news/update-dcfs-offices-temporarily-closing-to-visitors-starting-today>) and Pennsylvania (http://www.bradfordera.com/bradford/departments-of-human-services-closes-county-assistance-offices-to-the/article_a3b46510-b6f6-59a8-bf52-1f66df1ab754.html) and <https://www.pa.gov/guides/responding-to-covid-19/>).

¹⁸ The same problem of closures for purely procedural reasons applies to simplified reports, which some states use to collect reports of changed circumstances at the six-month mark of the certification period for many households. States also can suspend these reporting requirements temporarily to avoid terminating households that remain eligible but whose paperwork has not been processed.

households that are due for recertification in March, April, and May and more than 40 states have done so. USDA should allow states to extend these waivers for longer as the crisis already appears to be more protracted than it appeared as recently as mid-March. This change allows state staff who are available to work to focus on processing new applications.

Other policies to keep households connected. States could take other measures to keep households connected to SNAP. For example, currently when an adult in a low-wage working family receiving SNAP loses their job, the SNAP agency recalculates their SNAP benefit based on the lower income amount so that their resources for food can go up. But if USDA allows states to increase SNAP benefits substantially for several months, states could suspend acting on such changes during the period the higher benefits are in effect. This would, again, allow state staff to focus their time on processing new applications.

Changes to help states process new applications quickly. Another high priority for states is to quickly certify households newly applying for SNAP. States already report substantial increases in applications in the past few weeks. In normal operations, some states aim to process new applications within just a few days, but the federal standard is that states have up to 30 days to process applications unless the household qualifies for expedited service (described below). For households needing to stock up on food now, there is an acute need to get benefits into their hands very quickly. (The supplemental SNAP allotments are only available to participating SNAP households, so *applicants* will have no food assistance unless they can begin receiving SNAP.) Possible options for quickly helping states approve new applications include:

- **Waiving the requirement that applicants be interviewed by a state eligibility worker.** SNAP rules require all households to be interviewed, either in person or over the telephone, by a state eligibility worker at initial application and usually at least once a year thereafter.¹⁹ This requirement can be an important way for states to gather accurate information and for applicants to have their questions answered, but in the current environment it will be a labor-intensive task that will delay certification. USDA has allowed states to dispense with the interview temporarily for many households. States may still follow up by telephone with applicants to ask questions about the application, but in the cases where benefits can be processed without a full interview, states are allowed to do so under the waiver.
- **Adjusting telephonic signature requirements.** Many but not all states have telephonic signatures and so can take applications over the telephone. In order to serve applicants who may not have access to online services and to speed up application processing, USDA has allowed states temporarily to attest on a client's behalf to the fact that the household provided the information collected in a telephone interview, without having to record the signature.
- **Easing paper verification requirements.** SNAP requires verification of many eligibility factors, which often slows down application processing while the household gathers paper documents such as paystubs or utility bills. USDA could temporarily ease these requirements.
- **Expanding expedited benefits criteria.** For households with extremely low income and resources, SNAP rules require states to process the application within seven days and allows

¹⁹ For households with elderly or disabled members, interviews can occur less frequently after the initial interview, but interim annual contacts with the state are generally still required.

states to delay (for one month to 45 days) verification of items that cannot be obtained quickly, other than verification of identity.²⁰ USDA could allow states to expand the types of households that can qualify for expedited service. Alternatively, USDA could lengthen the period during which states and households must collect other verification needed before regular certification.

- **Expanding use of trusted application assisters.** Some community-based organizations may be able to help applicants file applications online. USDA could allow states to treat applications coming from a trusted organization as requiring less verification or contact with the state in order to focus limited staff time on more complicated cases not handled by an application assister.
- **Allowing states to determine income based on current circumstances.** To determine eligibility, SNAP looks at applicants' income in the month of application. This means households that just lost their jobs in March and are applying because they anticipate a severe drop in income may not be immediately eligible. USDA could allow states to look instead at applicants' anticipated income in order to simplify eligibility determinations and get benefits to individuals and families more quickly.

These changes could also be extended to recertifications if state staff are still overloaded when recertifications are again required.

Other operational changes.

- **Flexibility with timing of benefit issuance.** In states poised to move to significant social distancing, the state might elect to pay benefits early so that households could stock up on food supplies to prepare for isolating themselves from the public. In such cases it could be appropriate to provide a benefit supplement later on to avert a long lag between issuances in the future, as occurred in some states after the 2019 government shutdown.
- **Flexibility in issuing EBT cards.** States may need changes to their operations to get EBT cards to households more quickly.
- **Allowing purchases of hot foods.** After disasters, USDA routinely waives the prohibition on using SNAP benefits to purchase prepared hot foods. In some locations it may make sense to allow a similar waiver on a short-term basis in this emergency as well.

Not all states will want to take all of these actions, and states or USDA may develop additional flexibilities that better fit the current crisis or existing state systems and processes. It is critical that USDA quickly assess the full range of accommodations and flexibilities that states need and present a menu to states so they can determine what is best for low-income households and their workforce. And, as with natural disasters, USDA should not count cases certified through these procedures toward states' Quality Control error rates.

²⁰ Households are eligible for expedited service if (1) their gross income is less than \$150 a month and their liquid resources are less than \$100, (2) they are certain migrant or seasonal farmworkers, or (3) the combined cost of their rent or mortgage and utilities exceeds their monthly income and resources.

Expanding SNAP Eligibility Temporarily in Recognition of Drastically Limited Job Opportunities

The Families First Coronavirus Response Act allows unemployed adults without children to maintain access to SNAP. Under current law, most adults not raising minor children in their homes can only get SNAP benefits for three months out of every three years when they aren't working or in a training program for at least 20 hours per week.²¹ The time limit targets a particularly low-income group of individuals, many of whom work but often in jobs that are not steady and lack paid benefits. States can request waivers of this time limit in areas where there aren't enough jobs for this population so that people looking for stable work can continue to eat — and virtually every state has used this flexibility at some point.

Many areas of the country do not qualify for waivers because of their current low rate of officially measured unemployment, despite the dramatic recent spike in unemployment claims around the country and the job losses from social distancing. As a result, this group of individuals who struggle to find full-time employment in the low-wage labor market during a strong economy likely wouldn't be able to maintain the employment required to qualify for food assistance during the economic fallout of the COVID-19 pandemic. Without congressional action, the time limit would have left a particularly vulnerable group²² without access to basic food assistance.

Effective April 1, the Act essentially suspends the time limit for all individuals in all areas of all states for the duration of the public health emergency.²³ The provision takes effect April 1 and requires no additional waivers or guidance from USDA.²⁴ The suspension will continue until the end of the month after the month in which the Secretary of Health and Human Services lifts the emergency declaration.

States don't need to do anything for the suspension to take effect. States can opt back into the time limit, but only for individuals who fail to comply with the requirements of an employment and training slot *that the state offers* (and who are otherwise subject to the time limit). In that case, only the individuals offered a slot can be disqualified. It's important to note that most states do not offer individuals subject to the time limit a qualifying slot — generally a job training slot that meets 20 hours per week — that would allow a SNAP participant to meet the requirements of the time limit.

The provision mirrors a provision of the 2009 Recovery Act that temporarily turned off the time limit in every state, including in states that had not applied for or were prohibited from applying for

²¹ Steven Carlson, Dorothy Rosenbaum, and Brynne Keith-Jennings, "Who Are the Low-Income Childless Adults Facing the Loss of SNAP in 2016?" Center on Budget and Policy Priorities, February 8, 2016, <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>.

²² Center on Budget and Policy Priorities, "Unemployed adults without children who need help buying food only get SNAP for three months," <https://www.cbpp.org/unemployed-adults-without-children-who-need-help-buying-food-only-get-snap-for-three-months>.

²³ The legislation defines a public health emergency as one declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act based on an outbreak of coronavirus disease 2019 (COVID-19).

²⁴ USDA guidance on the temporary suspension of the time limit can be found at <https://fns-prod.azureedge.net/sites/default/files/resource-files/FFCRA-Impact-on-ABAWD-TimeLimit.pdf>.

area waivers from the time limit. Given that USDA is familiar with the Recovery Act provision and issued two guidances²⁵ to states on implementing it, we expect it to swiftly communicate with states on how to suspend the time limit beginning April 1. It is critical that USDA implement this rule quickly to ensure SNAP's food assistance flows to unemployed workers. The pool of unemployed workers needing basic food assistance through SNAP due to the economic downturn related to COVID-19²⁶ is growing rapidly.

Some states, separate from the three-month time limit, require certain SNAP recipients to comply with Employment and Training (E&T) requirements or risk losing a portion of their SNAP benefits through a sanction. States have the flexibility under current SNAP rules to suspend sanctions for non-compliance with such mandatory E&T placements.

Administration Regulation Limiting Time Limit Waivers on Hold Due to Court Ruling, Families First Legislation

In December 2019 the Trump Administration issued a final regulation that would have severely limited waivers from SNAP's three-month time limit for areas with elevated unemployment, making it much more difficult for areas to qualify for a waiver, particularly during an economic downturn.^a Fifteen states plus New York City filed a lawsuit^b to block the rule, which would have eliminated food assistance for nearly 700,000 low-income adults, according to the Administration's own estimate. The Legal Aid Society of the District of Columbia filed a separate suit on behalf of people likely to lose food assistance and of a local social service agency.

On March 13, a U.S. District Court imposed an injunction on the final rule, preventing the waiver changes from taking effect on April 1. The judge ruled that the Administration's policy would cause severe, widespread harm and ordered that it not take effect until after the court decides the underlying question of whether the Administration's regulation is legal.

The Families First Coronavirus Response Act pauses the time limit for the duration of the public health emergency, eliminating the need for states to seek waivers. Once the health emergency is lifted, the time limit will go back into effect and states will be permitted to seek waivers under the longstanding, pre-2020 waiver criteria until the court renders a final ruling.

^a Chad Stone, "Trump Rule Weakens SNAP's Recession-Fighting Power," Center on Budget and Policy Priorities, December 11, 2019, <https://www.cbpp.org/blog/trump-rule-weakens-snaps-recession-fighting-power>.

^b Ed Bolen, "Lawsuits Seek to Block Trump Rule Ending Food Assistance for Nearly 700,000," Center on Budget and Policy Priorities, January 17, 2020, <https://www.cbpp.org/blog/lawsuits-seek-to-block-trump-rule-ending-food-assistance-for-nearly-700000>.

²⁵ USDA, "SNAP Provisions of the American Recovery and Reinvestment Act of 2009," <https://fns-prod.azureedge.net/sites/default/files/snap/SNAP%20Provisions%20of%20ARRA.pdf>; and USDA, "Clarifications of the American Recovery and Reinvestment Act of 2009 Certification Provisions - ABAWDs and Additional Issues - Questions and Answers #6," <https://fns-prod.azureedge.net/sites/default/files/snap/ARRA%20clarifications%20%20ABAWDs%20and%20Additional%20Issues%20-QA%206.pdf>.

²⁶ Heather Long and Abha Bhattarai, "As layoffs skyrocket, the holes in America's safety net are becoming apparent," *Washington Post*, March 19, 2020, <https://www.washingtonpost.com/business/2020/03/19/unemployment-insurance-today-coronavirus/>.