

# RESEARCH BRIEF

## Maintaining SNAP Benefits for Unemployed and Underemployed People Struggling in the Labor Market



### Introduction

Since 1996, many childless adults, ages 18 to 50, can only get Supplemental Nutrition Assistance Program (SNAP) benefits for three months in a 36-month period unless they are exempt or are able to document sufficient work hours. This vulnerable population includes individuals in various circumstances: veterans, youth aging out of foster care, individuals reentering the workforce after incarceration, and the chronically unhoused. Some adults who fall subject to the time limit have underlying mental and physical health problems that are difficult to document. Moreover, while many of the people subject to the time limits have connections to the labor market, they either cannot find jobs or get too few hours of work in the jobs they do have.<sup>i</sup>



This three-month out of 36-month time limit on SNAP for certain unemployed and underemployed adults was suspended during the pandemic,<sup>ii</sup> but with the end of the U.S. Department of Health and Human Services Public Health Emergency (PHE) declaration and passage of the Fiscal Responsibility Act (FRA) in May 2023, the time limit returned with a phasing-in of changes to its scope.<sup>iii</sup>

In July 2023, SNAP time limits went into effect again, with impacts varying, depending on states' policies and operations. Changes that go into effect in September 2023 include temporarily expanding SNAP time limits to 50-year-olds and instituting new temporary explicit exceptions to time limits for people who are homeless, veterans, or young adults aging out of foster care.<sup>iv</sup> In October 2023, the SNAP time limit age range will increase further to include 51–52 year-olds. By October 1, 2024, the age range will increase to subject those who are 53 and 54 years of age.<sup>v</sup>

This brief explains the SNAP time limit provisions and discusses priorities for outreach, proper screening for time limit exemptions, and use of discretionary exemptions and waivers for areas that have 10 percent or higher unemployment or other indicators of insufficient jobs. Finally, it underscores the urgency of passing legislation to end SNAP time limits entirely.

### Labor Market Context

The U.S. has a jobs deficit, particularly of enough jobs with full-time hours and living wages. Even among those who had jobs in June 2023, 4.2 million were “part-time for economic reasons.” As the Bureau of Labor Statistics explained, these “are individuals, who would have preferred full-time employment, were working part-time because their hours had been reduced or they were unable to find full-time jobs.”<sup>vi</sup>

In June 2023, more than 5.4 million people were unemployed but looking for work.<sup>vii</sup> Many of them were unemployed for substantially longer than three months. Indeed, the average (mean) jobless spell in June 2023 was 19.3 weeks.<sup>viii</sup> Those unemployed 15 weeks or more accounted for more than 2 million unemployed job seekers (33.8 percent) and those out of work for 27 weeks or more accounted for nearly 1.1 million unemployed people (18.5 percent).<sup>ix</sup>

Jobless rates also vary by demographic group. In June 2023, the unemployment rate for Black Americans was nearly one and a half times that for White Americans.<sup>x</sup>

It is important to remember these difference rates in unemployment are related to long-standing racial disparities in the labor market. Black individuals are more likely to be unemployed regardless of their level of education and skill. In fact, in 2019, the typical (median) Black worker earned 24.4 percent less per hour than the typical White worker. This is an even larger wage gap than in 1979 when it was 16.4 percent.<sup>xi</sup>

## SNAP Time Limits

In 1996 Congress passed time limits on eligibility for SNAP (then called “food stamps”). They were to apply to so-called “able-bodied” adults (ages 18 to 50) without dependents. Congress provided the U.S. Department of Agriculture (USDA) with the authority to grant state requests to waive SNAP time limits in areas that had 10 percent or higher unemployment rates or other indices of insufficient numbers of jobs.<sup>xii</sup> In 1997 Congress also provided a formula-based allocation of discretionary exemptions states could use to preserve months of SNAP eligibility for individual cases otherwise subject to the time limits.<sup>xiii</sup>

Calling the SNAP time limits “work requirements” is a misnomer, as a person’s willingness to work or conduct an active job search does not suffice to protect one against being cut off SNAP.<sup>xiv</sup> Instead, the SNAP time limits punish people for not documenting sufficient hours of work.



Over the decades since the time limit provisions were instituted, the negative impacts have been harsh,<sup>xv</sup> taking food benefits away from a person whether or not that person was actively searching for a job or was performing some hours of work. Moreover, often the harm spills over to populations not technically subject to the time limits, including people with a disability who are not properly screened for their “fitness” for work.<sup>xvi</sup> States’ use of the SNAP “safety valve” tools provided by area waivers and discretionary exemptions have varied widely,<sup>xvii</sup> depending on changing economic conditions and political leadership’s willingness to use the tools available to preserve SNAP for people facing food benefit cutoffs.<sup>xviii</sup>

## State Responsibilities for Proper Implementation of SNAP Time Limits

State SNAP agencies are tasked with properly identifying which applicants and participants are subject to time limits. USDA’s Food and Nutrition Service (USDA-FNS) has provided detailed [guidance](#) to states to ensure that those who are entitled to exemptions from the time limits by law do in fact get those exemptions in practice. It explained that such careful implementation “will help to reduce churn for vulnerable populations, reduce the administrative burden for State workers and ensure continued Program access.”

In implementing SNAP time limit exceptions, USDA has advised SNAP state agencies that they “are expected to only require verification of information that they determine is questionable. State agencies must follow their established guidelines for what is considered questionable. State agencies must support households in obtaining verification, provided the household is cooperating, and must accept any reasonable documentary evidence provided by the household. If documentary evidence cannot be obtained or is insufficient, the eligibility worker may use collateral contacts or home visits.”<sup>xix</sup>

## Safety Valve Provisions

To identify which SNAP time limit safety valve provisions your state has in place currently or has used in the past, [check USDA-FNS links](#) to the status of area waivers<sup>xx</sup> and state-by-state individual exemption allocations.<sup>xxi</sup> Educate state policymakers and other opinion leaders on why these safety valve provisions not only maintain food benefits for struggling people<sup>xxii</sup> but also bring SNAP benefit dollars into the state, benefiting all parts of the food chain, from farmers, ranchers, and food manufacturers, to truckers, grocers and store employees. The National Grocers Association reports that SNAP helped create 198,828 U.S. grocery industry jobs and drove additional job growth of nearly 45,000 jobs in supporting industries, including agriculture, manufacturing, transportation, and municipal services. In addition, the jobs required to administer SNAP at the grocery store level generated more than \$6.7 billion in grocery industry wages.<sup>xxiii</sup> Moreover, economists estimate that grocery retailers are set to lose \$20 billion this year in sales due to the SNAP benefit reduction caused by the end of Emergency Allotments.<sup>xxiv</sup> Lastly, each \$1 of SNAP benefits during a downturn generates between \$1.50 and \$1.80 in economic activity.<sup>xxv</sup>



## Populations Newly Exempt on Paper

As discussed earlier, the time limit should not apply to a person who is not “able-bodied.” One way to show that is information from a health professional indicating that the person is not “fit for work.”<sup>xxvi</sup>

Pursuant to a July 3, 2023, memorandum, USDA-FNS has explained the definitions for the new exempt categories as follows:

- A “homeless individual,” as defined in Section 3 of the Food and Nutrition Act of 2008 and at 7 CFR 271.2, means an individual who lacks a fixed and regular nighttime residence or an individual whose primary nighttime residence is:
  1. a supervised shelter designed to provide temporary accommodations (such as a welfare hotel or congregate shelter);
  2. a halfway house or similar institution that provides temporary residence for individuals intended to be institutionalized;
  3. a temporary accommodation for not more than 90 days in the residence of another individual; or
  4. a place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings (a hallway, a bus station, a lobby, or similar places).
- A “veteran,” as defined in Section 5126(f)(13)(F) of the James M. Inhofe National Defense Authorization Act of 2023, means an individual who served in the U.S. Armed Forces (such as Army, Marine Corps, Navy, Air Force, Space Force, Coast Guard, and National Guard), including an individual who served in a reserve component of the Armed Forces, and who was discharged or released therefrom, regardless of the conditions of such discharge or release.
- “An individual who is 24 years of age or younger and who was in foster care under the responsibility of a State on the date of attaining 18 years of age or such higher age as the State has elected as defined under Section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)).” This includes any individual who was in a foster care program run by the state, district, Territory or Indian Tribal Organization as of their 18th birthday or later and who is under 25 years of age.<sup>xxvii</sup>

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## Pass Legislation to End SNAP Time Limits

Exemptions for certain groups are no guarantee that they will not be subject to SNAP time limits in practice. The meaningful, effective, and equitable solution is legislation to end SNAP time limits entirely.<sup>xxviii</sup> Rep. Barbara Lee (D-CA) and Sen. Peter Welch (D-VT)<sup>xxix</sup> have sponsored legislation ([H.R. 1510, S. 2435](#)) that would end SNAP time limits permanently.<sup>xxx</sup> Now is the time to pass that legislation.

## Outreach and Advocacy Agenda

As the federal SNAP time limit provisions are in effect again, it is important for stakeholders to work with states and people potentially subject to the time limits to promote proper screening for exemptions and conduct outreach, especially targeted to those in the age range newly subject to the time limits and to populations, which on paper, are supposed to be exempt, including under the new categorical exceptions.

- Stakeholders should educate media and other opinion leaders about the arbitrary and punitive nature of time limits that apply whether or not a person is willing to work or has a history of labor market attachment. They should explain that time limits fail to improve people's prospects in the labor market but do make people hungrier while they are searching for jobs.
- Stakeholders should promote input from people with lived experience with poverty and labor market barriers and amplify their voices, including educating the public and opinion leaders.
- Outreach and application assisters can educate SNAP participants and applicants in the subject age ranges and help them gather documentation of any condition that entitles them to an exemption. They can partner with people with lived experience with SNAP as well as with community members who are trusted messengers for particular populations.
- State agencies and stakeholders can reach out to health providers to educate them about the role they can play in helping patients document a physical or mental disability that renders them "unfit" for work.
- Advocates can partner with the people with disabilities community to urge state SNAP agencies to meet their civil rights obligations for effective communication to people with disabilities, including, as needed, by "providing auxiliary aids and services, such as Braille, large print, captioning, plain-language explanations, qualified sign language interpreters, qualified readers, qualified speech-to-speech translators, and accessible public-facing websites. These services shall be provided at no cost to the individual with a disability."<sup>xxxi</sup>
- Advocates can work with state SNAP agencies to ensure client notices are clear, worded at an appropriate reading level, culturally appropriate, and provided in the client's language to help ensure proper communication to limited English proficient people.<sup>xxxii</sup>
- Advocates should urge their state to seek area waivers of the SNAP time limit as well as oppose any state legislative attempts to restrict governors' ability to seek such waivers.
- Advocates should work with state SNAP agencies to encourage the use of discretionary exemptions.<sup>xxxiii</sup>
- Advocates should urge states to invest in adequate funding for SNAP administration, including for enhanced case processing capacity and caseworker retention.
- Advocates should urge Members of Congress to cosponsor and pass H.R. 1510 and S. 2435 to end SNAP time limits.<sup>xxxiv</sup>

## Endnotes

- <sup>i</sup> See Ellen Vollinger, “History Shows Congress Should End SNAP Time Limits,” FRAC Chat, FRAC, May 1, 2023, <https://frac.org/blog/history-shows-congress-should-end-snap-time-limits>; for detailed background on SNAP time limits, see Food and Nutrition Service, “ABAWD Policy Resources,” USDA, <https://www.fns.usda.gov/snap/work-requirements-policies>
- <sup>ii</sup> See Jessica Shahin, “Supplemental Nutrition Assistance Program (SNAP) — Families First Coronavirus Response Act and Impact on Time Limit for Able-Bodied Adults Without Dependents (ABAWDs),” USDA, Mar. 20, 2020, <https://fns-prod.azureedge.us/sites/default/files/resource-files/FFCRA-Impact-on-ABAWD-TimeLimit.pdf>
- <sup>iii</sup> See Cathy Buhrig, “Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023,” USDA, Jul 3, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf>; for background on pandemic era SNAP changes see Andrew Cheyne and Ellen Vollinger, “A Strengthen SNAP Agenda to Address the Hunger Cliff — Part 1,” FRAC Chat, FRAC, Feb. 3, 2022, <https://frac.org/blog/strengthen-snap-agenda-part-1>
- <sup>iv</sup> The “modified exceptions” to SNAP time limits made by the FRA sunset on October 1, 2030. See Cathy Buhrig, “Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023,” USDA, Jul 3, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf>
- <sup>v</sup> See Cathy Buhrig, “Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023,” USDA, Jul 3, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf>
- <sup>vi</sup> See Bureau of Labor Statistics, “The Employment Situation — May 2023” U.S. Department of Labor, Jun 2, 2023, <https://www.bls.gov/news.release/empstat.nr0.htm>
- <sup>vii</sup> See id.
- <sup>viii</sup> See id at Table A-12.
- <sup>ix</sup> See id at Table A-12.
- <sup>x</sup> See Bureau of Labor Statistics, “The Employment Situation — May 2023” U.S. Department of Labor, Jun 2, 2023, at Table A-2, <https://www.bls.gov/news.release/empstat.nr0.htm>
- <sup>xi</sup> <https://www.epi.org/unequalpower/publications/understanding-black-white-disparities-in-labor-market-outcomes/>
- <sup>xii</sup> See Ellen Vollinger, “History Shows Congress Should End SNAP Time Limits,” FRAC Chat, FRAC, May 1, 2023, <https://frac.org/blog/history-shows-congress-should-end-snap-time-limits>
- <sup>xiii</sup> See Ellen Vollinger, “History Shows Congress Should End SNAP Time Limits,” FRAC Chat, FRAC, May 1, 2023, <https://frac.org/blog/history-shows-congress-should-end-snap-time-limits>
- <sup>xiv</sup> For background on limits role on job search as a component of SNAP time limit compliance, see Lizbeth Silbermann, “Supplemental Nutrition Assistance Program — ABAWD Time Limit Policy and Program Access,” USDA, Nov. 19, 2015, <https://fns-prod.azureedge.us/sites/default/files/snap/ABAWD-Time-Limit-Policy-and-Program-Access-Memo-Nov2015.pdf>
- <sup>xv</sup> See Leighton Ku, et al “The Effects of SNAP Work Requirements in Reducing Participation and Benefits From 2013 to 2017,” *Am J Public Health*. 2019 October; 109(10): 1446–1451, Oct. 2019, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6727315/>
- <sup>xvi</sup> See Rebecca Vallas et al, “Economic Justice Is Disability Justice,” The Century Foundation, Apr. 21, 2022, <https://tcf.org/content/report/economic-justice-disability-justice/>
- <sup>xvii</sup> See Laura Wheaton, “The Impact of SNAP Able-bodied Adults Without Dependents (ABAWD) Time Limits Reinstatement in Nine States,” The Urban Institute, June 2021, [https://www.urban.org/sites/default/files/publication/104451/the-impact-of-snap-able-bodied-adults-without-dependents-abawd-time-limit-reinstatement-in-nine\\_0.pdf](https://www.urban.org/sites/default/files/publication/104451/the-impact-of-snap-able-bodied-adults-without-dependents-abawd-time-limit-reinstatement-in-nine_0.pdf)
- <sup>xviii</sup> See Mathematica, “More than 1 Million SNAP Participants Could Be Affected by USDA’s Proposed Waiver Rule,” Mar. 14, 2019, <https://www.mathematica.org/news/more-than-1-million-snap-participants-could-be-affected-by-usdas-proposed-waiver-rule>
- <sup>xix</sup> See Cathy Buhrig, “Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023,” USDA, Jul 3, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf> (memorandum also gives examples of acceptable documentation to support a person’s status as homeless, a veteran or a young adult aging out of foster care).
- <sup>xx</sup> See Food and Nutrition Service, “ABAWD Waivers,” USDA, <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-fy23-abawd-discretionary-exemptions.pdf#page=3>
- <sup>xxi</sup> See Catrina L. Kamau, “Supplemental Nutrition Assistance Program (SNAP) — Fiscal Year 2023 Allocations of Discretionary Exemptions for Able-Bodied Adults Without Dependents,” USDA, Apr. 19, 2023, <https://www.fns.usda.gov/snap/abawd-discretionary-exemptions-fy2023>. Note that pursuant to the FRA, FNS has advised state SNAP agencies that in “FY 2024 and FY 2025, State agencies may use the discretionary exemptions they earn during the fiscal year and unused exemptions accumulated in prior years. In FY 2026 and subsequent years, State agencies may only carryover unused exemptions allotted from the prior fiscal year.” See <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf>
- <sup>xxii</sup> For background on supporting SNAP time limit area waiver requests, see “Supplemental Nutrition Assistance Program — Guide to Supporting Requests to Waive the Time Limit for Able-Bodied Adults without Dependents (ABAWD) Food and Nutrition Service,” USDA, Sept. 30, 2021, <https://fns-prod.azureedge.us/sites/default/files/resource-files/snap-2021-guide-supporting-abawd-time-limit-waiver-requests.pdf>
- <sup>xxiii</sup> <https://grocers.guerrillaeconomics.net/reports/f0456e26-063f-44e7-9fc0-14da3e0320fa?>

xxiv <https://www.winsightgrocerybusiness.com/retailers/snap-customers-look-grocers-after-rollercoaster-benefits-experience#:~:text=Hit%20to%20grocery%20retailers&text=Every%20%241%20change%20in%20SNAP,CBPP%20data%20cited%20by%20dunnhumby>

xxv As the late “Howard University Professor and AFL-CIO Chief Economist Dr. William Spriggs **told WHUR**, programs like unemployment insurance and food assistance are not just there for the individual but as ‘a safety net for the economy.’” See Ellen Vollinger, “A Recession Might Be Coming. Can Somebody Tell the Trump Administration?” FRAC Chat, FRAC, Aug. 26, 2019, <https://frac.org/blog/7493>

xxvi In the past Hunger Solutions New York has prepared a template for community partners to use in educating health professionals on the role they can play in documenting SNAP participants’ unfitness for work. See Hunger Solutions New York “Supplemental Nutrition Assistance Program in New York State: An Eligibility Prescreening Guide,” [https://hungersolutionsny.org/wp-content/uploads/2020/02/PrescreenGuideweblinked1\\_30\\_20.pdf](https://hungersolutionsny.org/wp-content/uploads/2020/02/PrescreenGuideweblinked1_30_20.pdf) (accessed on July 6, 2023).

xxvii See Cathy Buhrig, “Implementing SNAP Provisions in the Fiscal Responsibility Act of 2023,” USDA, Jul 3, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/Fiscal-Responsibility-Act-of-2023-Implementation-Memo.pdf> (See also specific “examples of verification that State agencies could use to verify include, but are not limited to: Homeless individuals — Collateral contact with a homeless shelter, person they are staying with, or any other individual aware of the individual’s circumstances. Veterans — Service department records, such as a DD Form 214, Certificate of Release or Discharge from Active Duty, original Certificate of Discharge, Report of Transfer or Discharge, military ID card indicating service in the armed forces; Correspondence or contact from the Department of Veteran Affairs including benefit payment or award letter or VA ID Card; correspondence or contact from the Department of Veteran Affairs indicating service in the armed forces, or driver’s license indicating veteran status. Youth aging out of foster care — Data sharing and/or collateral contact from other social service workers or

agencies, such as the agency administering the foster care program or Medicaid.”)

xxviii See Luis Guardia, “Expansion of Harsh Time Limits on SNAP in Debt Ceiling Agreement Will Fuel Rates of Hunger and Poverty,” FRAC, May 29, 2023, <https://frac.org/news/debtceilingbillmay2023>

xxix For updates on H.R. 1510 cosponsors, go to <https://www.congress.gov/>

xxx See Office of Rep. Barbara Lee, “Rep. Lee, Adams Introduce Improving Access to Nutrition Act,” Mar. 10, 2023, <https://lee.house.gov/news/press-releases/rep-lee-adams-introduce-improving-access-to-nutrition-act>

xxxi See Roberto Contreras, “Ensuring Language Access for Limited English Proficient (LEP) Individuals and Effective Communication for Individuals with Disabilities In Consideration of the Recent Unwinding of the Supplemental Nutrition Assistance Program (SNAP) Emergency Allotments (EA) and Upcoming Unwinding of COVID-19- Program Flexibilities,” USDA, May 30, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/cr-unwinding-snap-ea-policy-memo.pdf>

xxxii For background on SNAP time limit notices, see Margaret (Moir) Johnston, “Supplemental Nutrition Assistance Program — Noticing Able-Bodied Adults without Dependents before Reinstating the Time Limit,” USDA, Jun. 8, 2023, <https://fns-prod.azureedge.us/sites/default/files/resource-files/SNAP-Noticing-ABAWDs-Before-Reinstating-Time-Limit.pdf>

xxxiii <https://www.fns.usda.gov/snap/abawd-discretionary-exemptions-fy2023>

xxxiv For resources to use for H.R. 510 advocacy, see FRAC, “Road to the Farm Bill,” <https://frac.org/action/snap-farm-bill/road-to-the-farm-bill> H.R. 1510 advocacy is especially important given that some Members of Congress have introduced legislation to worsen the SNAP time limit provisions by broadening their scope further. See Ellen Vollinger, “History Shows Congress Should End SNAP Time Limits,” FRAC Chat, FRAC, May 1, 2023, <https://frac.org/blog/history-shows-congress-should-end-snap-time-limits>