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DEPARTMENT OF AGRICULTURE

Food and Nutrition Administration

7 CFR Parts 271 and 273

[FNA-2025-0368]

RIN 0584- AF09

Modification to Work Requirements for Able-Bodied Adults

AGENCY: Food and Nutrition Administration (FNA), USDA.

ACTION: Proposed rule.

SUMMARY: The proposed rule would codify USDA's regulatory implementation of provisions of the One Big Beautiful Bill Act of 2025 (OBBB) changing the three-month time limit for certain participants subject to work requirements in the Supplemental Nutrition Assistance Program (SNAP). These changes include modifying the list of exceptions from the time limit for certain populations; updating requirements for areas to qualify for waivers of the time limit; and adding the temporary good faith exemptions in Alaska and Hawaii. Additionally, this rule proposes to strengthen requirements for requesting waivers of the time limit and revise the SNAP definition of a homeless individual.

DATES: Written comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: The Food and Nutrition Administration, USDA, invites interested persons to submit written comments on this proposed rule. Comments may be submitted in writing by one of the following methods:

● Federal eRulemaking Portal: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.

● Mail: Send comments to SNAP Program Development Division, Food and Nutrition Administration, 5601 Sunnyside Ave, Beltsville, MD 20705. Email: SNAPCPBRules@usda.gov. Phone: (703) 305-2022.

● Web Site: Go to http://www.regulations.gov. Follow the online instructions for submitting comments.

● E-Mail: Send comments to SNAPCPBRules@usda.gov. Include "Docket ID Number FNA-2025-0368, Modification to Work Requirements for Able-Bodied Adults" in the subject line of the message.

● All written comments submitted in response to this proposed rule will be included in the record and will be made available to the public. Please be advised that the substance of the comments and the identity of the individuals or entities submitting the comments will be subject to public disclosure. FNA will make the written comments publicly available on the Internet via http://www.regulations.gov.

FOR FURTHER INFORMATION CONTACT: SNAP Program Development Division, Food and Nutrition Administration, 5601 Sunnyside Ave, Beltsville, MD 20705. Email: SNAPCPBRules@usda.gov. Phone: (703) 305-2022.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the One Big Beautiful Bill Act of 2025

On July 4, 2025, President Trump signed Public Law 119-21, the One Big Beautiful Bill Act of 2025 (OBBB). Section 10102 of the OBBB makes significant changes to the time limit (also known as a work requirement) for certain Supplemental Nutrition Assistance Program (SNAP) participants. These changes require more SNAP participants to work as a condition of eligibility. The Department is issuing this proposed rule to implement those OBBB provisions, as well as strengthen standards for requests for waivers of the time limit and set clear expectations that those who can work, do.

The OBBB provisions build on a longstanding and evolving Congressional directive that SNAP must support work. Work requirements were first implemented as a condition of SNAP eligibility in 1971 (Pub. L. 91-671). In 1985, Congress required State agencies to operate an employment and training program (SNAP E&T) which helps SNAP participants gain skills that increase their employability and help meet employers' skilled workforce needs. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA, Pub. L. 104-193) made pivotal changes, creating a time limit for certain individuals not engaged in work. The Fiscal Responsibility Act of 2023 (FRA, Pub. L. 118-5) explicitly established that the purpose of SNAP includes assisting low-income adults in obtaining employment and increasing their earnings. This history, though not inclusive of all changes to SNAP work requirements, demonstrates the long-standing imperative that SNAP's purpose includes supporting participants in finding employment and increasing earnings, and mitigating reliance on the program.

SNAP work requirements include both general work requirements and the time limit, formerly known as the able-bodied adults without dependents (ABAWD) time limit. Under the general work requirements at Section 6(d)(1) of the Food and Nutrition Act of 2008 (the Act) (7 U.S.C. 2015(d)(1)), individuals must register for work; accept offers of suitable employment; not voluntarily quit or reduce hours of employment below 30 hours per week without good cause; and participate in workfare or SNAP E&T if required by the State agency. SNAP participants subject to these requirements that do not comply are disqualified from receiving SNAP benefits for periods ranging from one month to permanent disqualifications, depending on the number of violations and State options. The general work requirements apply to SNAP participants aged 16 through 59, unless they meet specific exemptions such as being unable to work due to physical or mental limitations.

In addition to the general work requirements, SNAP has a time limit and associated work requirements for certain individuals. Under the time limit, per Section 6(o) of the Act (7 U.S.C. 2015(o)), individuals must work and/or participate in a qualifying work program for at least 20 hours per week (averaged to 80 hours per month) or participate in workfare as assigned. Time-limited participants may only receive SNAP for three months in a 36-month period in which they do not comply with this requirement.

The OBBB changed who is subject to the time limit to now apply to SNAP participants aged 18 through 64 who do not meet an exception such as being physically or mentally unfit for employment, responsible for a child under 14, pregnant, or an "Indian", "Urban Indian" or "California Indian". These changes are explained in the discussion of proposed changes below.

Section 6(o)(4) of the Act (7 USC 2015(o)(4)) also allows the Department to approve State requests to waive the time limit in areas in certain circumstances. Waivers of the time limit allow for individuals residing in waived areas to continue participating in SNAP even if they do not meet the work requirement associated with the time limit, given they are otherwise eligible. Waivers of the time limit do not absolve State agencies of their responsibility to support participants in finding employment. State agencies must continue to track time-limited participants in waived areas to ensure program integrity when the waiver expires.

Prior to the OBBB, time limit waiver criteria included areas with unemployment rates over 10 percent or areas without a sufficient number of jobs to provide employment. The OBBB removed the ability for areas to qualify based on a lack of a sufficient number of jobs. Now, State agencies, except for Alaska and Hawaii, may only qualify for waivers for areas with unemployment rates of over 10 percent. The OBBB allows waivers for

areas in Alaska and Hawaii with unemployment rates at least 1.5 times the national average.

II. Discussion of Proposed Changes

This proposed rule would codify USDA's regulatory implementation of OBBB provisions on individual exceptions from the time limit; geographic waivers of the time limit; and good-faith exemptions from the time limit for noncontiguous States, as defined by 7 U.S.C. 2015(o)(7)(A). The Department is also proposing additional changes to criteria for waivers of the time limit to define "area" and requirements for supporting data at 7 CFR 273.24(f) to ensure waivers reflect recent, sustained, and accurate unemployment rates. Additionally, the Department proposes to revise the definition of "homeless individual" to remove the inclusion of the term "imminently homeless". Together, these changes will ensure the program continues to focus on self-sufficiency for those who can work.

The Department intends for the rule provisions codifying USDA's regulatory implementation of OBBB changes and the rule provisions proposing discretionary changes, including those requiring supporting data for waivers and the revisions to the definition of "homeless individual", to be separate and severable from one another. If any provision related to the discretionary provisions is stayed or determined to be invalid, the Department intends that the remaining provisions related to codifying USDA's regulatory implementation of statutory changes in regulation shall remain in effect. For example, a court could invalidate the rule's proposal to ensure supporting data reflects recent, sustained, and accurate unemployment rates. In such a case, any provision related to a

statutory change, such as the unemployment rate threshold for waivers, should remain in effect because those provisions "could function sensibly without the stricken provision"[1].

The Department has historically referred to the population of individuals subject to the time limit as able-bodied adults without dependents (ABAWDs). Given changes required by OBBB, some adults with dependents aged 14 through 17 are now subject to the time limit. To accurately reflect this change and use plain language, the Department is no longer using the term able-bodied adults without dependents (ABAWDs). Instead, the Department will refer to the "time limit" or "time-limited participants" where possible. In accordance with this change, the Department proposes to revise the title of 7 CFR 273.24 to "SNAP Time Limit".

Section 10102(a) of the OBBB - Changes to Exceptions from the Time Limit

Section 6(o)(3) of the Act provides exceptions from the time limit for certain individuals. If an individual meets one of the exceptions, they are not subject to the time limit. These exceptions include, but are not limited to, individuals:

- under 18, or over 65 years of age;
- medically certified as physically or mentally unfit for employment;
- a parent or other member of a household with responsibility for a dependent child under 14 years of age;
- otherwise exempt from the general work requirements under subsection (d)(2);
- a pregnant woman;
- an Indian or Urban Indian (as such terms are defined in paragraphs (13) and (28) of section 5 of the Indian Health Care Improvement Act); or

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[1] *MD/DC/DE Broadcasters Ass'n v. F.C.C.,* 253 F.3d 732, 734 (D.C. Cir. 2001) (internal quotations omitted).

● a California Indian described in section 809(a) of the Indian Health Care Improvement Act.

Throughout this proposed rule, "exceptions from the time limit" refers to the list of exception criteria at Section 6(o)(3) of the Act, whereas "exemptions from the general work requirements" refers to the list of criteria in Section 6(d)(2) of the Act. Section 10102(a) of the OBBB amends Section 6(o)(3) of the Act to change the exceptions from the time limit, as discussed below.

Age-Based Exceptions

The OBBB increases the upper age limit for time-limited participants at Section 6(o)(3)(A) of the Act from over 55 years of age to over 65 years of age. This proposed rule would amend paragraph 7 CFR 273.24(c)(1) to increase the upper age limit to 65 years of age or older.

Prior to enactment of the OBBB, the upper age limit was amended by the Fiscal Responsibility Act of 2023 (FRA) to gradually increase the upper age limit from over 50 years of age to over 55 years of age between September 1, 2023, through October 1, 2024. The FRA also prescribed that these changes would sunset on October 1, 2030, when the upper age limit would return to over 50 years of age. This sunset is captured at 7 CFR 273(c)(10). The OBBB provision changing the upper age limit to over 65 years of age does not sunset. Therefore, this proposed rule would strike 7 CFR 273.24(c)(10) to remove the reference to the sunsetting of these FRA provisions.

Individuals aged 60 to 64 are not subject to the general work requirements, per section 6(d)(1)(A) of the Act. Although the OBBB did not change who is subject to the general work requirements, it increased the upper age limit for the time limit to include individuals through age 64. In other words, the OBBB created a new group of individuals, aged 60 to 64, who are not subject to the general work requirements but are time-limited participants.

Individuals aged 60 through 64 are excepted from the time limit if they meet one of the exemptions from the general work requirements at Section 6(d)(2), as would be individuals aged 18 through 59. For instance, a 63-year old already working 30 hours a week or complying with work requirements for unemployment compensation is excepted from the time limit. However, since age is not a listed exemption from the general work requirements at Section 6(d)(2), individuals aged 60 to 64 are not excepted from the time limit based solely on age. When the Department initially wrote the regulations around general work requirements, it included age as an exemption for simplification purposes in program rules at 7 CFR 273.7(b)(1)(i). To help clarify that individuals aged 60 to 64 are not subject to the general work requirements but subject to the time limit, this proposed rule would revise the exception at 7 CFR 273.24(c)(5) to reference 7 CFR 273.7(b)(1)(ii) through (vii) instead of the entire paragraph 7 CFR 273.7(b).

Changes to the Exception for Children in the Household

The OBBB amends the exception at Section 6(o)(3)(C) of the Act for a parent or other member of a household with responsibility for a dependent child by lowering the age of the dependent child from under 18 years of age to under 14 years. This proposed rule would update the age in both paragraphs 7 CFR 273.24(c)(3) and (4) to reflect "under age 14" to align with the law.

End of Exceptions Implemented by the Fiscal Responsibility Act of 2023

The OBBB removes the temporary exceptions at Section 6(o)(3) of the Act for homeless individuals, veterans, and individuals 24 years of age or younger and in foster care on their 18th birthday (or higher age if the State offers extended foster care to a higher age). This proposed rule would codify USDA's regulatory implementation of these changes by replacing paragraphs 7 CFR 273.24(c)(7) through (8) with new exceptions for "an Indian or Urban Indian" or "a California Indian" as described in the section below and strike paragraph 7 CFR 273.24(c)(9).

Prior to enactment of OBBB, the exceptions for homeless individuals, veterans, and individuals 24 years of age or younger and in foster case on their 18th birthday had been added by the FRA effective September 1, 2023. The FRA had also prescribed that these changes would sunset on October 1, 2030, which is captured at 7 CFR 273(c)(10). Given this sunset is no longer applicable, this rule would strike 7 CFR 273.24(c)(10).

Definition of Homeless Individual

The Department also proposes to amend the SNAP definition of "homeless individual". The December 17, 2024, final rule "Supplemental Nutrition Assistance Program: Program Purpose and Work Requirement Provisions of the Fiscal Responsibility Act of 2023" revised the definition of "homeless individual" to include individuals who will imminently lose their nighttime residence. That change sought to provide consistency in how State agencies determined if an individual was experiencing homelessness, particularly as homelessness was a new exception from the time limit. OBBB removed homelessness as an exception from the time limit, but this status continues to impact other components of SNAP eligibility, such as the homeless shelter deduction. To prevent misapplication of policy and align with the Act's statutory definition of "homeless individual" at Section 2(l) of the Act, the Department proposes to revert to the language at 7 CFR 271.2, removing the reference to individuals who are "imminently homeless."

New Exceptions

The OBBB adds new exceptions at Section 6(o)(3)(F) and (G) of the Act for "an Indian or Urban Indian" and "a California Indian" as defined under the Indian Health Care Improvement Act (IHCIA). The Department proposes adding these new exceptions to the list of exceptions by replacing 7 CFR 273.24(c)(7) and (8). As explained previously, the OBBB removed the exceptions currently provided at 7 CFR 273.24(c)(8) and (9). The Department proposes to include in the regulatory text references to the

applicable IHCIA definitions and is interested in comments that include recommendations for clearly communicating these definitions or aligning with similar exceptions for the new Medicaid community engagement requirements under Section 71119 of the OBBB.

Section 10102(b) of the OBBB - Changes to Waivers of the Time Limit

Section 6(o)(4) of the Act authorizes the Department to approve waivers of the time limit at the request of the State agency for any group of individuals in the State upon the determination that the area meets certain criteria. Section 10102(b) of the OBBB amends the criteria under which the Department may approve a State agency request for a waiver of the time limit as described below.

End of Criterion Allowing Waivers Based on Lack of Sufficient Jobs

Section 10102(b)(1) of the OBBB removes the Act's criterion allowing waivers upon the determination an area does not have a sufficient number of jobs to provide employment for the individuals. State agencies may now only qualify for waivers for areas with unemployment rates of over 10 percent per Section 6(o)(4)(A)(i), with the exception of Alaska and Hawaii. Consistent with these changes, the rule would strike the criterion allowing waivers based on a lack of sufficient jobs at 7 CFR 273.24(f)(1)(ii). Current regulations also detail the required data to support a waiver request and provide readily approvable waivers under certain circumstances under the lack of sufficient jobs criterion. This proposed rule would strike those portions of the regulations at 7 CFR 273.24(f)(2)(ii) and 7 CFR 273.24(f)(3)(ii) and (3)(iii).

New Criterion for Noncontiguous States

Section 10102(b)(1) of the OBBB updates Section 6(o)(4)(A)(ii) to authorize the Secretary to approve waivers for areas in a noncontiguous State with an unemployment rate that is at or above 1.5 times the national unemployment rate. This proposed rule would include the criterion allowing such waivers at 7 CFR 273.24(f)(1)(ii).

A noncontiguous State, per Section 10102(b)(2) of the OBBB, is a State that is not one of the 48 contiguous states, the District of Columbia, Guam, nor the U.S. Virgin Islands. In this rule, the Department refers to Alaska and Hawaii by name as the noncontiguous States. The Department proposes to include the definition of noncontiguous States in the list of definitions for the time limit at 7 CFR 273.24(a)(5).

Additional Proposed Changes to Required Data for Waivers of the Time Limit

In addition to codifying USDA's regulatory implementation of statutory changes to waivers of the time limit, the Department also proposes to amend current rules on requirements for data sources and time-periods to support unemployment rates of 10 percent. These updated standards would also apply to OBBB's new provision for assessing unemployment rates in noncontiguous states. The Department believes these changes are necessary to ensure the integrity of waivers.

Required Data - Unemployment Rate over 10 Percent

Current rules at 7 CFR 273.24(f)(2)(i) provide examples of three kinds of data State agencies may use to demonstrate an area has an unemployment rate of over 10 percent including: a recent 12-month average unemployment rate over 10 percent; a recent three-month average unemployment rate over 10 percent; or a historical seasonal unemployment rate over 10 percent.

The Department proposes revising the data requirements to ensure that waivers are based on sustained, recent unemployment rates from a reputable source. The Department is concerned that historical seasonal unemployment data may not depict current unemployment challenges. Further, States have not typically requested waivers based on historical data and the Department has not approved a waiver under this criterion in more than two decades. Similarly, the Department is concerned that using a recent three-month average unemployment rate risks reflecting a short-term aberration, rather than ongoing unemployment issues. Although FNA has approved waivers based on recent three-month

average unemployment rates, this has not been nearly as common as using recent 12-month average unemployment rates. Consistent with the criterion for noncontiguous States, the Department proposes requiring at 7 CFR 273.23(f)(2)(i) that a State agency must provide data from the BLS or a BLS-cooperating agency demonstrating that an area has a recent 12-month average unemployment rate over 10 percent.

While the Department proposes removing the three-month average unemployment rate from 7 CFR 273.24(f)(2)(i), the proposed rule would allow waivers for areas based on a three-month average unemployment rate of over 10 percent if the State shows the recent data is tied to an exceptional circumstance affecting the area, as detailed below. However, historical seasonal unemployment rates would no longer be sufficient for waiver approval.

Required Data - Unemployment Rate 1.5 Times the National Average

The Department also proposes setting standards for the data required to demonstrate areas in noncontiguous States have unemployment rates at or above 1.5 times the national average unemployment rate. Establishing such standards is important to ensure any such waivers are based on recent and sustained qualifying unemployment rates, calculated using reputable data sources.

As discussed above, State agencies have historically been able to support waiver requests based on a range of data time periods under program rules at 7 CFR 273.24(f)(2). The Department maintains the need to ensure State agencies use reliable sources, therefore, the Department proposes to include at 7 CFR 273.24(f)(2)(ii) that noncontiguous States must provide data from the BLS or a BLS-cooperating agency that shows an area has a recent 12-month average unemployment rate at or above 1.5 times the national average to support waiver requests under this criterion, similar to the proposed data requirements for the waiver criterion available for all States, discussed previously.

The Department also understands that noncontiguous States have unique and remote geographies with distinct labor markets and data challenges, and proposes to account for some such scenarios, as described in the sections below on exceptional circumstances and areas with limited data or evidence. The Department also seeks comments on any other strategies to accurately assess unemployment rates in areas of noncontiguous States.

Required Data - Exceptional Circumstances

The Department recognizes exceptional circumstances may arise that cause the unemployment rate in an area to meet the required thresholds but cannot be demonstrated using the data criteria outlined in the proposed 7 CFR 273.24(f)(2). As such, the Department is proposing at 7 CFR 273.24(f)(3) to allow for waiver requests supported by data or evidence other than what is listed at 7 CFR 273.24(f)(2) if the request demonstrates an exceptional circumstance in the area that is ongoing at the time of request. This would not allow waivers of the time limit for reasons other than meeting unemployment rate thresholds required in law. Rather, it would allow State agencies to submit data covering a different period given an exceptional circumstance. For example, a State agency may submit data that shows an area has a most recent three-month average unemployment rate over 10 percent and there is a continued impact on unemployment rates due to an exceptional circumstance, such as a natural disaster impacting unemployment.

Required Data - Areas With Limited Data or Evidence

Although current regulations at 7 CFR 273.24(f)(2) require that waiver requests based on unemployment rates or labor force data rely on BLS data or methods, the Department recognizes that in some areas, such as a reservation area or U.S. Territory, data from BLS or a BLS-cooperating agency is limited or unavailable and the use of alternative data is reasonable. For instance, longstanding guidance allows for use of estimated unemployment rates for reservation areas based on available BLS data, in combination

with data from the American Community Survey.[2] Additionally, the Department understands that some areas such as Tribal or Territory governments may generate and use their own labor force data. Given that the BLS or a BLS-cooperating agency is the national authority on unemployment data, the Department proposes that, when available, State agencies must continue to use BLS or BLS-cooperating data at 7 CFR 273.24(f)(2)(i) and (ii).

If data from the BLS or a BLS-cooperating agency is unavailable, the Department proposes to continue to allow State agencies to provide alternative data sources or methods. This is particularly important for reservation areas and remote areas in noncontiguous States for which there is limited BLS data. The Department proposes to implement these requirements at 7 CFR 273.24(f)(4).

Additional Proposed Changes Restricting the Definition of Area for Waivers of the Time Limit

As the Act does not define areas eligible for waivers of the time limit, the Department seeks to clarify the definition of area for waivers in regulation. Current rules at 7 CFR 273.24(f)(6) allow State agencies nearly unfettered discretion to define the geographic area included in waiver requests, which has led State agencies to create waiver areas that maximize the waiver's coverage as opposed to focusing on areas with the greatest unemployment. State agencies have used the flexibility of the definition of area to pick data that best expand waiver coverage rather than data that best reflect actual unemployment. Congress has recognized States have intentionally reduced enforcement of the SNAP work requirements through expansive waivers, leaving approximately 40 percent of these work-ready individuals under a waiver at the time of passage of the OBBB (H. Rept. 119-106 p.47). The Department maintains the need to tighten waiver

[2] https://www.fna.usda.gov/snap/guide-supporting-requests-waive-time-limit-abawd

standards to assist low-income adults in obtaining employment to increase their earnings and move towards self-sufficiency, consistent with SNAP's program purpose. Therefore, the Department proposes to establish reasonable, straightforward parameters by defining an "area" at 7 CFR 273.24(f)(5) to mean a Commuting Zone, county or county-equivalent, reservation area or a U.S. Territory.

Additionally, under current regulatory flexibilities, State agencies developed the practice of combining two or more sub-State areas, such as counties, together as a group (otherwise referred to as "grouped" areas or "grouping"). The current regulations have two general conditions for the grouping of areas – that the areas must be either contiguous and/or share the same economic region. For example, two or more contiguous counties, or several contiguous counties and a township could be grouped together. The group's average unemployment rate is calculated by combining the unemployment and labor force figures from each individual area – in this case each county and township included. Calculating aggregate unemployment rates in this manner can mask important differences in the unemployment rate and labor market of each area when examined individually.

State agencies frequently combine areas with lower unemployment rates with those with higher unemployment rates so that the whole group qualifies, even when some of the areas would not qualify individually. This has allowed entire States or large areas of States to qualify for waivers of the time limit, despite vastly different unemployment rates. For example, under the now repealed lack of sufficient jobs standard, California's Statewide waiver of the time limit beginning in FY 2025, grouped areas such as Imperial County on the Southeast border of the State where there was a 17.5 percent unemployment rate with San Mateo County, outside of San Francisco, where there was a 3.2 percent unemployment rate. Individuals are not reasonably traveling nearly 600 miles between these counties to work, yet the data supporting this waiver approval included

both counties in the same economic area. This practice provides States with the broad flexibility to distort the data and maximize waiver areas rather than examine whether the job market in each area necessitates a waiver. This proposal would prevent grouping of such disparate areas in the future by restricting the definition of area to mean a Commuting Zone, county or county-equivalent, reservation area or a U.S. Territory, and omit Statewide groupings.

State agencies have also acknowledged motives for seeking waivers which do not conform to statutory intent. In 2016, a USDA Office of the Inspector General (OIG) review of the implementation of the time limit found that State agency officials reported that they specifically sought waivers in as many areas of the State as possible to avoid the burden of implementing the policy.[3] Other State agencies reported waivers of the time limit reduced their workloads. The Department reminds State agencies that even in waived areas, the State agency is responsible for tracking time-limited participants and ensuring its ability to accurately administer the time limit when the waiver expires. State agencies must also support time-limited participants engaging in the workforce or preparing for work, such as through employment and training programs – regardless of waiver status. Although the Department recognizes there is administrative burden, Congress designed the requirements to support work and move SNAP recipients on a path to self-sufficiency (H. Rept. 104-725, p. 262).

In recognition of the overly broad flexibility for defining areas and grouping areas to aggregate unemployment rates, the Department proposes to restrict the types of geographies that can qualify for waivers, as detailed below.

Definition of Area - Commuting Zones

[3] USDA OIG report "FNS Controls Over SNAP Benefits for Able-Bodied Adults Without Dependents", available at https://usdaoig.oversight.gov/sites/default/files/reports/2023-03/27601-0002-31_fr.pdf

The Department recognizes that some localities have interconnected unemployment conditions, and therefore, proposes to allow State agencies to use the most recent Commuting Zones as areas for waving the time limit. USDA's Economic Research Service (ERS) first developed Commuting Zones in the 1980s as a way to better delineate local economies, as county boundaries are not always adequate confines for a local economy. ERS last updated Commuting Zones in 2026 using data from the 2020 Census[4]. Commuting Zones group counties and county equivalents into labor markets based on commuting patterns. Unlike other labor market designations, such as the Office of Management and Budget's Core Based Statistical Areas, Commuting Zone delineations include all county and county-equivalents in the 50 States and the District of Columbia. This allows better understanding of employment and labor force patterns, particularly in rural counties. The 2026 update to Commuting Zones groups the 3,144counties and county-equivalents in the U.S. into 588 labor markets. The Department proposes to allow Commuting Zones to qualify as an allowable area for waivers of the time limit given these geographic units of analysis are meant to closely reflect where people live and work in the local economy. This also would close the loophole that allows areas to be grouped together for a waiver solely due to contiguousness.

Since Commuting Zones can cross State borders, the Department is also proposing to allow the intrastate parts of interstate Commuting Zones to qualify based on data from the entire Commuting Zone. A State agency may only request a waiver for the intrastate portion of the commuting zone (the portion that falls within State lines), however, the data from the entire Commuting Zone may be used to support the request as it is reflective of the employment conditions for the intrastate portion. For instance, the Commuting Zone for Memphis, Tennessee includes bordering counties in Mississippi

[4] U.S. Department of Agriculture, Economic Research Service. *2020 Commuting Zones*, January 2026.

and Arkansas based on commuting data. Tennessee may request to waive the portion of the Commuting Zone within State boundaries using data reflecting that intrastate portion or the entire Commuting Zone.[5]

If the State agency's geographic boundaries are entirely within one interstate Commuting Zone, the entire State may qualify for a waiver based on data from the entire interstate Commuting Zone. For example, the District of Columbia falls entirely within a Commuting Zone that includes counties in Maryland and Virginia. Given people regularly commute between these areas for employment, it is reasonable to consider the unemployment rate for both the District of Columbia itself and the entire Commuting Zone.

The Department proposes to include Commuting Zones as a type of waiver area at 7 CFR 273.24(f)(5)(i). Additionally, the Department proposes paragraph 7 CFR 273.24(f)(6) to clarify requirements for areas that cross State borders.

Definition of Area - County or County-Equivalents

The Department is also proposing at 7 CFR 273.24(f)(4)(ii) to include counties or county-equivalents as allowable areas for waivers of the time limit. This would allow State agencies to request to waive individual counties or county-equivalents based on unemployment rates reflecting circumstances in that localized area. State agencies would not be able to group or aggregate data across counties or county-equivalents unless they comprise a Commuting Zone, as discussed in the prior section. The Department asserts a more targeted approach would ensure that waivers exist only in areas that meet the criterion at Section 6(o)(4)(A) of the Act.

Definition of Area - Reservation Areas and U.S. Territories

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[5] See U.S. Department of Agriculture, Economic Research Service. *2020 Commuting Zones*, January 2026.

The Department proposes that waivers of the time limit may cover the intrastate portion of reservation areas and those U.S. Territories participating in SNAP (Guam and U.S. Virgin Islands). Reservation areas and U.S. Territories are mentioned separately since they are not typically included in Commuting Zones and most do not have counties or county-equivalents. Reservation areas have unique geography, data availability, and may cross State borders. Consistent with Commuting Zones, the Department proposes to include the intrastate portion of reservation areas and to include U.S. Territories as allowable areas at 7 CFR 273.24(f)(4)(iii). Requests to waive the intrastate portion of a reservation may also be supported by data from the entire reservation.

The Department notes the potential overlap between waivers for reservation areas and the exceptions from the time limit for individuals who meet the definition of an "Indian", "Urban Indian", or "California Indian" per Section 6(o)(3) of the Act. However, not all individuals living in reservation areas will meet these exceptions. In other words, an individual living in a reservation area is subject to the time limit unless the individual meets the definition of an "Indian", "Urban Indian", or "California Indian", or the reservation area in which the individual resides is approved for a waiver.

Restriction on Grouping

Further, the Department proposes changes at 7 CFR 273.24(f)(7) to restrict the practice of grouping. This would only allow combining data from individual localities when they are collectively considered to be an entire Commuting Zone or entire intrastate portion of an interstate Commuting Zone. This will eliminate the opportunities to manipulate data to waive areas that do not meet the criteria outlined in the Act. It would also ensure that only areas that are economically tied are grouped together. Under this proposal, State agencies would use the unemployment and labor force data from the individual area to support their requests. Requests may still include multiple areas, so

long as there is data provided that support each individual area that meets the standards outlined in the revised 7 CFR 273.24(f)(2).

Additional Proposed Changes to Evaluating Requests for Waivers of the Time Limit

The Department also proposes to improve the integrity of waivers via changes to the duration of waiver approval, ensuring the support of the chief executive in the State, and detailing the principle of Secretarial discretion on such requests.

Duration of Waivers of the Time Limit

The Department also examined the duration of time limit waivers and believes that, even with the proposed changes, the nexus between the data and a waiver becomes untenable after one year. Current rules at 7 CFR 273.24(f)(5) provide for a one-year approval period, generally, but also explain when the Department may or may not approve for this amount of time. These circumstances for varied approval lengths include using longer periods of data to support the length of the request, options to request a shorter approval period, and the Department's right to approve for longer periods if the reasons are compelling.

Over time, this flexibility for longer approval periods devolved into a standard option for two-year waiver approvals. Existing guidance allows for two-year approval periods when the request includes data that meets certain circumstances. The Department is concerned that this allows State agencies to receive longer approvals while incorporating older data.

To ensure that waivers reflect current economic conditions, not stale data, the Department proposes to streamline the duration of approval periods to one year but allow for a shorter period at a State agency's request by revising 7 CFR 273.24(f)(5) and redesignating 7 CFR 273.24(f)(8).

Chief Executive Officer Support of Waiver Requests

Section 4005(b)(2) of the Agricultural Improvement Act of 2018 (Pub. L.115-334) amended the Act to require that a State agency's request to waive the time limit be supported by the State's chief executive officer. This requirement underscores the importance of ensuring State leadership is aligned in how the State agency supports work and addresses economic hardship in areas within the State. The Department is taking this opportunity to incorporate in regulation that the waiver request must have the support of the State chief executive officer. The Department proposes to incorporate this update at 7 CFR 273.24(f)(1).

Secretarial Discretion

In addition to establishing the required employment conditions for an area to be eligible to waive the time limit, Congress commits to the Secretary additional discretion in approving these waivers at Section 6(o)(4) of the Act ("the Secretary may waive the [time limit] to any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside—(i) has an unemployment of over 10 percent; or (ii) in a noncontiguous State and has an unemployment rate that is at or above 1.5 times the national unemployment rate."). The language sets forth the mandatory conditions which must exist before the Secretary may consider granting a waiver request. The "may waive" language indicates that the Secretary is under no obligation to grant a State agency's request for a waiver even if the criteria in clause (i) or (ii) are met. The determination of such unemployment rate thresholds is the necessary first step before the Act empowers the Secretary with the discretion to render a decision on the waiver request.

In order to better conform with the statutory directive to the Secretary and avoid overly expansive waivers of time limits, the Department proposes adding a new paragraph 7 CFR 273.24(f)(9) that specifies FNA may deny requests to waive the time limit when contrary evidence pertaining to the employment prospects for time-limited

participants in the requested area is available. The Department further proposes to eliminate current paragraph 7 CFR 273.24(f)(3), which allows for readily approvable waivers when a State agency provides certain economic data. These proposed changes would remove provisions that ignored the discretion provided to the Secretary by the statute and ensure State agencies are aware that FNA may deny a request even when it supplies the data required at 7 CFR 273.24(f)(2). Factors that may be considered in exercising this discretion may include the availability of recent, readily accessible, robust data that contradicts the information supplied by the State agency. The Department seeks comments on specific factors or measures it should consider as part of its Secretarial discretion to approve waivers.

Section 10102(c) of the OBBB - Good Faith Exemptions from the Time Limit

Section 10102(c) of the OBBB establishes a new, temporary type of exemption only for noncontiguous States at Section 6(o)(7) of the Act. The Department may approve a State request to exempt individuals in noncontiguous States from the time limit if it determines that the State agency is demonstrating a good faith effort to comply with the time limit requirements. This proposed rule would codify USDA's regulatory implementation of this authority at 7 CFR 273.24(m).

The definition of noncontiguous State for good faith exemptions at Section 6(o)(7)(A) of the Act is the same as for waivers of the time limit. This definition only applies to Alaska and Hawaii. As discussed in a previous section, the Department proposes to add this definition at 7 CFR 273.24(a)(5).

Under the OBBB, the Department will consider multiple factors to determine whether to approve a State agency for a good faith effort exemption. The factors include 1) any actions taken by the State agency toward compliance with the time limit requirements; 2) any significant barriers to or challenges in meeting those requirements, including barriers or challenges relating to funding, design, development, procurement, or installation of

necessary systems or resources; 3) the State agency's detailed plan and timeline for achieving full compliance with those requirements, including key milestones; and 4) any other criteria determined appropriate by the Secretary. The Department proposes including subparagraph 7 CFR 273.24(m)(1) to require a State agency request for a good faith exemption to include a description for each of the aforementioned factors.

Given the authority to establish other criteria at Section 6(o)(7)(C)(iv), the Department proposes that the State agency must also submit plans for using performance metrics and applying the exceptions to certain populations.

The State agency must submit a detailed plan for tracking and analyzing performance metrics for cases subject to the time limit. Given good faith exemptions are designed to help State agencies reach full compliance with administering the time limit, it is important the State agency explain how it will take a data-informed approach to understand its progress. The Department proposes to include this requirement at 7 CFR 273.24(m)(1)(iv). The Department also seeks comments on specific metrics the State agency could include in its plan.

The State agency must also explain which populations in the State it would exempt under the requested good faith exemption. This is important for the Department to understand the limitations under which the State agency will exempt individuals in the State. For instance, as it works towards full compliance with administering the time limit, the State agency may target populations in certain geographic areas of the State, in a certain age range, or with other characteristics. The Department proposes to include this requirement at 7 CFR 273.24(m)(1)(v).

Good faith exemptions expire no later than December 31, 2028, and may not be renewed beyond that date per Section 6(o)(7)(D)(i) of the Act. This proposed rule would include the sunset clause at 7 CFR 273.24(m)(2).

Additionally, the Department may terminate a good faith exemption prior to the expiration date per Section 6(o)(7)(D)(ii) of the Act if it determines that the State agency has 1) failed to comply with the reporting requirements discussed in Section 6(o)(7)(E) of the Act; or 2) based on such reported information the State agency has failed to make continued good faith efforts towards compliance with the time limit requirements. The Department proposes to include this early termination clause at 7 CFR 273.24(m)(3).

If the Department grants a State agency a good faith exemption, the State agency must submit information to the Department in accordance with Section 6(o)(7)(E) of the Act. This information must include 1) quarterly progress reports on the status of the State agency in achieving the milestones toward full compliance with the time limit; and 2) information on specific risks or newly identified barriers or challenges to full compliance, including the State agency's plan to mitigate those risks, barriers, or challenges. The Department proposes such State agencies submit quarterly reports every three months following implementation of the good faith exemption. The Department proposes to include these State reporting requirements at 7 CFR 273.24(m)(4).

Procedural Matters

Executive Orders 12866, 13563 and 14192

Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility.

This proposed rule has been determined to be economically significant under section 3(f)(1) of Executive Order 12866 and was reviewed by the Office of Management and Budget (OMB) in conformance with Executive Order 12866.

This proposed rule, if finalized as proposed, is expected to be exempt from otherwise-applicable requirements of Executive Order 14192, per footnote 1 of OMB's Accounting Methods.[6]

Regulatory Impact Analysis Summary

As required for all rules that have been designated as Significant by the Office of Management and Budget, a Regulatory Impact Analysis (RIA) was developed for this proposed rule. It follows this rule as an Appendix. The following summarizes the conclusions of the regulatory impact analysis:

Need for Action: This rulemaking codifies USDA's regulatory implementation of provisions of the One Big Beautiful Bill Act of 2025 (OBBB) (Public Law 119-21) addressing the time limit for receipt of Supplemental Nutrition Assistance Program (SNAP) benefits for certain individuals. In accordance with the OBBB, these changes would include modifying the list of exceptions from the time limit for certain populations; updating requirements for areas to qualify for waivers for the time limit; and adding temporary good faith exemptions in Alaska and Hawaii. Additionally, this rule also proposes to strengthen requirements for requesting waivers of the time limit and revise the SNAP definition of a homeless individual.

Benefits: The changes in this NPRM will align SNAP rules with the changes in the OBBB. This is necessary to facilitate changes to program implementation, thus reducing transaction cost of administering the changes.

Costs: This rule will result in annual costs to State agencies, the Federal Government, and households to request and approve waivers of the SNAP time limit and to issue and receive Notices of Adverse Action when participants are at risk of losing SNAP eligibility.

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[6] https://www.reginfo.gov/public/pdf/eo14192/Accounting_Methods_under_EO_14192.pdf.

Unquantified Effects: The Regulatory Impact Analysis assesses the projected changes in transfer payments and the increase in administrative costs to individuals, States, and the Federal government.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601-612) requires Agencies to analyze the impact of rulemaking on small entities and consider alternatives that would minimize any significant impacts on a substantial number of small entities. Pursuant to that review, it has been certified that this rule would not have a significant impact on a substantial number of small entities. This proposed rule would not have an impact on small entities because it affects certification requirements for SNAP households, which are administered by State agencies.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Department generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures by State, local or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the Department to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This proposed rule does not contain Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order 12372

This Supplemental Nutrition Assistance Program is listed in the Catalog of Federal Domestic Assistance under Number 10.551 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Federalism Summary Impact Statement

Executive Order 13132 requires Federal agencies to consider the impact of their regulatory actions on State and local governments. Where such actions have federalism implications, agencies are directed to provide a statement for inclusion in the preamble to the regulations describing the agency's considerations in terms of the three categories called for under Section (6)(b)(2)(B) of Executive Order 13132.

The Department has determined that this rule does not have Federalism implications. This rule does not impose substantial or direct compliance costs on State and local governments. Therefore, under Section 6(b) of the Executive Order, a Federalism summary impact statement is not required.

Executive Order 12988, Civil Justice Reform

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full and timely implementation. This rule is not intended to have retroactive effect unless so specified in the Effective Dates section of the final rule. Prior to any judicial challenge to the provisions of the final rule, all applicable administrative procedures must be exhausted.

Civil Rights Impact Analysis

USDA has reviewed the Proposed Rule, in accordance with the Agriculture Improvement Act of 2018, “2018 Farm Bill”, Section 12403, *Civil Rights Analyses*, to

identify and address any major civil rights impacts the Proposed Rule might have on specific groups. While the Department believes that the changes to the exception criteria and waiver criteria have the potential for impacting certain groups, these changes are required under the statute. Other changes proposed to strengthen requirements for waiver requests may also impact certain groups due to external factors affecting rates of employment of members of these groups. The Agency will implement the noted mitigation strategies and monitor complaint activity. Additionally, the Civil Rights Division will propose further outreach and mitigation strategies to alleviate any unforeseen impacts, if deemed necessary.

Executive Order 13175

Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

FNA provided an opportunity for consultation on October 15, 2025. Additionally, five Tribal Organizations provided written comments. The Tribes provided comments, summarized below, about data accuracy, definitions of exceptions for “Indians”, “Urban Indians” and “California Indians”, verification standards, outreach, and SNAP access, and Tribal administration.

The Tribes had comments concerning availability and accuracy of unemployment data for tribal lands. Tribal Leaders indicated a desire to self-certify Tribal unemployment data when State agencies request waivers of the SNAP time limit due to discrepancies between the unemployment data reported by the BLS and the data maintained by the Tribes themselves. This proposed rule recognizes that data from the BLS or a BLS-

cooperating agency is limited or unavailable for reservation areas. Given that the BLS or a BLS-cooperating agency is the national authority on unemployment data, the Department proposes that, when available, State agencies must continue to use such data. However, if data from the BLS or a BLS-cooperating agency is unavailable, the Department proposes to continue to allow State agencies to provide alternate data sources or methods.

Tribal Leaders also discussed the need for proactive guidance on new exceptions for "Indians", "Urban Indians", and "California Indians" under the Indian Health Care Improvement Act (IHCIA). One comment noted that the IHCIA definitions do not fully align with definitions in the Food and Nutrition Act of 2008 (the Act) or Tribal enrollment processes. FNA will work to provide technical assistance on these new exceptions and welcomes specific suggestions on opportunities to align definitions. One comment also requested FNA clarify that the exceptions apply regardless of residence on Reservation lands. FNA affirms that individuals must only meet the IHCIA definitions; there is no further requirement to live on Reservation lands.

Similarly, Tribal Leaders expressed concern about the risk of burdensome verification requirements and stressed the need to coordinate with Tribal Nations and federal agencies to streamline and allow flexibility for verification of Tribal status. As a reminder, State agencies must follow verification rules per 7 CFR 273.2(f) and 273.24(l), including verifying information if questionable and accepting multiple forms of documentation. FNA will also take further comments on specific ways to improve verification processes.

Additionally, Tribal Leaders expressed that State agencies should be required to provide notice of the changes and requested outreach funding for providing culturally appropriate information to Tribal members. Under existing rules at 7 CFR 273.7(c)(1), State agencies must notify SNAP applicants and participants of exceptions from the time limit, which includes the exceptions for Indians, Urban Indians, and California Indians.

Also, FNA encourages State agencies to conduct outreach to Tribal populations on such changes. Such outreach costs are allowable administrative costs eligible for partial reimbursement under Section 16 of the Act.

Additionally, Tribal Leaders expressed concern that the One Big Beautiful Bill Act of 2025 removes exceptions for older adults, veterans, and those aging out of foster care from meeting work requirements, which may lead to the ineligibility of some Tribal members currently participating in SNAP. While FNA recognizes this impact, these area statutory provisions required under the OBBB, and therefore, cannot be changed by this rulemaking. Additionally, FNA expects many of these individuals will retain eligibility due to the new exception from the time limit for individuals who meet the definition of "Indian", "Urban Indian", or "California Indian" under the IHCIA.

Lastly, Tribal Leaders expressed continued interest in Tribal administration of SNAP and voiced their support of SNAP being added to the Indian Self-Determination and Education Assistance Act to allow Tribes to self-administer the program. While FNA appreciates this feedback, this would be a statutory change and tribal administration of SNAP is beyond the scope of the proposed rule. In addition to the comments submitted during this consultation period, the Department will also consider written comments submitted during the proposed rule public comment period. If a Tribe requests further consultation in the future, FNA will work with the Office of Tribal Relations to ensure meaningful consultation is provided.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. Chap. 35; 5 CFR 1320) requires the Office of Management and Budget (OMB) approve all collections of information by a Federal agency before they can be implemented. Respondents are not required to respond to any collection of information unless it displays a current valid OMB control number. In accordance with the Paperwork Reduction Act of 1995, this proposed rule would

contain information collections that are subject to review and approval by the Office of Management and Budget; therefore, the Department is submitting for public comment the changes in the information collection burden that would result from adoption of the proposals in the rule. These burden estimates are contingent upon OMB approval under the Paperwork Reduction Act of 1995. When the final rulemaking information collection request is approved, the Department will publish a separate notice in the Federal Register announcing OMB's approval.

Comments on this proposed rule must be received by [*insert date that is 30 days after publication in the Federal Register*]. Send comments to Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for FNA, Washington, DC 20403, Fax: 202-395-7285, or email to oira_submission@omb.eop.gov. Please also send a copy of your comments to the SNAP Program Development Division at the Food and Nutrition Administration, U.S. Department of Agriculture, 5601 Sunnyside Ave, Beltsville, MD 20705. For further information please contact the SNAP Program Development Division, at the above address.

Comments on this proposed rule must be received by [Insert date that is 30 days from publication in the FEDERAL REGISTER]. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Title: Supplemental Nutrition Assistance Program: Work Requirements and Screening

OMB Number: 0584-0479

Expiration Date: 7/31/2028

Type of Request: Revision to an existing collection.

Abstract: The proposed rule would amend SNAP regulations to implement changes made by the One Big Beautiful Bill Act (OBBB). Some of the changes would modify current regulations resulting in an increase in the reporting burden for State agencies and individuals, while others will result in no change.

The OBBB changed who is subject to the time limit. The Department estimates the changes to the age-based exception, dependent child exception, and FRA exceptions will result in an increase in the number of individuals subject to the time limit. Conversely, the new exceptions for individuals who are an “Indian”, “Urban Indian”, or “California Indian” will result in a slight decrease in individuals subject to the time limit. The Department anticipates these changes will result in additional State agency and household burden related to verification of work hours and countable months, as well as issuance and review of the Consolidated Work Notice, including oral explanation of the work requirements for individuals newly subject to the time limit. The Department further anticipates additional burden related to the issuance and review of the Notice of Adverse Action for individuals newly subject to the time limit who reach three countable months and are disqualified from SNAP. Additionally, the Department estimates the proposed rule will increase the burden related to screening, as more individuals must now be screened for exceptions from the time limit.

The OBBB also changed the criteria for qualifying for a waiver of the time limit.

In addition to codifying USDA's regulatory implementation of these statutory changes to waiver criteria, this proposed rule would make changes to criteria for waivers of the time limit to define area and requirements for supporting data at 7 CFR 273.24(f) to ensure waivers reflect recent, sustained, and accurate unemployment rates. The Department estimates fewer State agencies will qualify for and request waivers of the time limit, leading to a decrease in State agency burden related to the preparation and submission of waiver requests. The Department estimates these changes will reduce the number of individuals covered by a waiver, resulting in additional State agency and household burden related to verification of work hours and countable months, issuance and review of the Consolidated Work Notice, and oral explanation of the work requirements for individuals newly subject to the time limit. The Department also anticipates additional burden related to the issuance and review of the Notice of Adverse Action for individuals newly subject to the time limit who reach three countable months and are disqualified.

The OBBB establishes a new, temporary type of exemption for noncontiguous States, referred to as "good faith exemptions." The Department may approve a State agency request to exempt individuals in Alaska and Hawaii from the time limit upon determination that the State agency is demonstrating a good faith effort to comply with the time limit requirements. This proposed rule would codify USDA's regulatory implementation of good faith exemptions, resulting in an increase in State agency burden related to the preparation and submission of a good faith exemption request.

The rule would also revert the definition of "homeless individual" at 7 CFR 271.2 to the language prior to the final rule "Supplemental Nutrition Assistance Program: Program Purpose and Work Requirements Provisions of the Fiscal Responsibility Act of 2023" (89 FR 102342). The Department does not anticipate any burden related to this change.

The Department anticipates start-up burden related to these statutory and regulatory changes. State agencies need to update their eligibility systems and notices to include the

new exceptions and changes to the age-based exception. State agencies also need to update their policy manuals and documents with the changes to eligibility and the screening requirements for time-limited participants. Lastly, State agencies need to develop and provide training on the new requirements to State agency staff.

The new burden requirements for this rule require a revision to OMB Control Number: 0584-0479 (expiration date: 7/31/2028), which currently covers burden related to preparation and submission of time limit waivers, screening for the work requirements, and changes made by the FRA. The proposed rule would increase the burden covered under OMB Control Number 0584-0479. Additionally, the Department is making an adjustment to the burden related to screening to reflect more recent estimates of the number of time-limited participants, as well as updates to cost estimates based on more recent data on labor rates. State agencies submit time limit waivers via the Waiver Information Management System (WIMS), and the burden for this submission is covered which is covered under OMB Control Number 0584-0083 (Operating Guidelines, Forms, Waivers, Program and Budget Summary Statement; expiration date: 9/30/2026). The proposed rule would not make changes to burden covered under OMB Control Number 0584-0083.

Start-Up Burden

Respondents: State Agencies

Estimated Number of Respondents: 53 State Agencies

Estimated Number of Responses per Respondent: One (1) response

Estimated Total Annual Burden on Respondents: 649,936 hours, an increase of 649,936 hours from current inventory of zero (0) hours in 0584-0479.

Ongoing Burden

Respondents: State Agencies and Individuals

Estimated Number of Respondents: 53 State Agencies and 43,822,617 Individuals

Estimated Number of Responses per Respondent: 824,792 responses per State Agency and 1 per Individual

Estimated Total Annual Burden on Respondents: 6,163,351 hours (3,082,075 hours for State Agencies and 3,081,275 hours for Individuals), an increase of 2,131,335 hours from current inventory of 4,032,015 hours in 0584-0479.

The total burden for this rulemaking is 6,813,287 burden hours and 87,536,636 annual responses. The total burden for adjustments in this revision is 341,933 burden hours and 336,415 annual responses. This results in an increase to the burden hours for OMB Control Number 0584-0479, resulting in a total inventory of 4,133,782 burden hours and 61,090,148 annual responses.

This represents an increase to the burden hours for OMB Control Number 0584-0479, resulting in a total inventory of 6,813,287 burden hours (2,781,272 new burden hours + 4,032,015 existing burden hours) and 87,536,636 responses (27,873,701 new responses + 59,662,935 existing responses).

Activity	Citation	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (hours)	Hourly Wage Rate	Total Annualized Cost of Respondent Burden	Previously Approved Burden Hours	Change in Burden Hours Due to Program Change	Change in Burden Hours Due to an Adjustment	Total Change in Burden Hours
A	B	C	D	E = C x D	F	G = E x F	H	I = (G x H) / 2	J	K = G - J		L = J + K
Start-Up Burden												
Affected Public: State Agencies												
Update of eligibility system with new requirements (including coding for modified exceptions, updating language on the Notice of Adverse Action and Consolidation Work Notice)	7 CFR 271.2, 273.24(c), 273.24(f)	53	1	53	5,911	313,296	$56.87	$17,817,408.37	0	313,296	0	313,296
Update policy manuals, guidance, and other documents with new requirements	7 CFR 271.2, 273.24(c), 273.24(f)	53	1	53	100	5,300	$56.38	$298,807.11	0	5,300	0	5,300
Develop and provide training to staff on new requirements	7 CFR 271.2, 273.24(c), 273.24(f)	53	1	53	100	5,300	$56.38	$298,807.11	0	5,300	0	5,300
Take training on new requirements	7 CFR 271.2, 273.24(c), 273.24(f)	108,680	1	108,680	3	326,040	$31.24	$10,186,043.87	0	326,040	0	326,040
Reporting Burden Total for Start-Up Burden		**108,733**	**1**	**108,733**	**5.98**	**649,936**	**$44.01**	**$28,601,066.46**	**0**	**649,936**	**0**	**649,936**
Ongoing Burden												
Affected Public: State Agencies												
Burden Related to Modified Exception Criteria and Change in Waiver Coverage												
Additional verification of hours worked and countable months in another State at initial or recertification application for time-limited participants newly subject to the work requirement	7 CFR 273.2(f)(1), (f)(2), and (f)(8)(i)	53	54,020.33	2,863,078	0.092	262,449	$31.24	$8,199,346.48	47,407	215,041	0	215,041

Activity	Citation	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (hours)	Hourly Wage Rate	Total Annualized Cost of Respondent Burden	Previously Approved Burden Hours	Change in Burden Hours Due to Program Change	Change in Burden Hours Due to an Adjustment	Total Change in Burden Hours
Additional issuance of the Consolidated Work Notice for time-limited participants newly subject to the work requirement	7 CFR 273.7(c)(1)	53	54,020.33	2,863,078	0.083	238,590	$31.24	$7,453,951.35	43,098	195,492	0	195,492
Additional review of the oral explanation of the work requirements for time-limited participants newly subject to the work requirement	7 CFR 273.7(c)(1)	53	54,020.33	2,863,078	0.083	238,590	$31.24	$7,453,951.35	43,098	195,492	0	195,492
Additional issuance of the Notice of Adverse Action for time-limited participants newly subject to the work requirement who do not meet it	7 CFR 273.13(a)	53	41,445.47	2,196,610	0.067	146,441	$31.24	$4,575,055.38	18,804	127,637	0	127,637
Screening for exemptions from the general work requirement at initial application	7 CFR 273.7(b)(3)	53	314,792.45	16,684,000	0.067	1,112,267	$31.24	$34,749,101.52	1,103,267	0	9,000	9,000
Screening for exemptions from the general work requirement at recertification application	7 CFR 273.7(b)(3)	53	50,001.42	2,650,075	0.067	176,672	$31.24	$5,519,524.19	175,925	0	747	747
Screening for exceptions from the time limit at initial application	7 CFR 273.24(k)	53	139,389.62	7,387,650	0.067	492,510	$31.24	$15,386,849.67	345,333	145,710	1,467	147,177
Screening for exceptions from the time limit at recertification application or during the certification period	7 CFR 273.24(k)	53	117,101.28	6,206,368	0.067	413,758	$31.24	$12,926,499.14	238,495	175,263	0	175,263
Burden Related to Time Limit Waiver Submissions												

Activity	Citation	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (hours)	Hourly Wage Rate	Total Annualized Cost of Respondent Burden	Previously Approved Burden Hours	Change in Burden Hours Due to Program Change	Change in Burden Hours Due to an Adjustment	Total Change in Burden Hours
Preparation and submission of Labor Market Data to support time limit waiver request	7 CFR 273.24(f)	20	1	20	35	700	$31.96	$22,371.93	1,155	-455	0	-455
Preparation and submission of Labor Surplus Area designation or EB Trigger Notice criteria to support time limit waiver request	7 CFR 273.24(f)	0	0	0	0	0	$37.53	$0.00	8	-8	0	-8
Burden Related to Good Faith Exemption Submissions												
Preparation and submission of request and plan to use good faith exemptions	7 CFR 273.24(m)	2	1	2	10	20	$33.76	$675.11	0	20	0	20
Preparation and submission of quarterly progress reports	7 CFR 273.24(m)	2	4	8	10	80	$33.76	$2,700.43	0	80	0	80
Reporting Burden Sub-Total for Ongoing Burden to State Agencies		**53**	**824,791.82**	**43,713,967**	**0.071**	**3,082,075**	**$31.24**	**$96,290,026.54**	**2,016,589**	**1,054,273**	**11,213**	**1,065,486**
Affected Public: Individuals												
Additional response to verification of hours worked and countable months in another State at initial or recertification application for time-limited participants newly subject to the work requirement	7 CFR 273.2(f)(1), (f)(2), and (f)(8)(i)	2,863,078	1	2,863,078	0.092	262,449	$23.75	$6,231,846.61	47,407	215,041	0	215,041
Additional review of the Consolidated Work Notice for time-limited participants newly subject to the work requirement	7 CFR 273.7(c)(1)	2,863,078	1	2,863,078	0.083	238,590	$23.75	$5,665,315.10	43,098	195,492	0	195,492

Activity	Citation	Number of Respondents	Frequency of Response	Total Annual Responses	Hours per Response	Annual Burden (hours)	Hourly Wage Rate	Total Annualized Cost of Respondent Burden	Previously Approved Burden Hours	Change in Burden Hours Due to Program Change	Change in Burden Hours Due to an Adjustment	Total Change in Burden Hours
Additional review of the oral explanation of the work requirements for time-limited participants newly subject to the work requirement	7 CFR 273.7(c)(1)	2,863,078	1	2,863,078	0.083	238,590	$23.75	$5,665,315.10	43,098	195,492	0	195,492
Additional review of the Notice of Adverse Action for time-limited participants newly subject to the work requirement who do not meet it	7 CFR 273.13(a)	2,196,610	1	2,196,610	0.067	146,441	$23.75	$3,477,233.63	18,804	127,637	0	127,637
Screening for exemptions from the general work requirement at initial application	7 CFR 273.7(b)(3)	16,684,000	1	16,684,000	0.067	1,112,267	$23.75	$26,410,772.00	1,103,267	0	9,000	9,000
Screening for exemptions from the general work requirement at recertification application	7 CFR 273.7(b)(3)	2,650,075	1	2,650,075	0.067	176,672	$23.75	$4,195,069.47	175,925	0	747	747
Screening for exceptions from the time limit at initial application	7 CFR 273.24(k)	7,387,650	1	7,387,650	0.067	492,510	$23.75	$11,694,649.95	345,333	145,710	1,467	147,177
Screening for exceptions from the time limit at recertification application or during the certification period	7 CFR 273.24(k)	6,206,368	1	6,206,368	0.067	413,758	$23.75	$9,824,680.54	238,495	175,263	0	175,263
Reporting Burden Sub-Total for Ongoing Burden to Individuals		**43,713,937**	**1**	**43,713,937**	**0.070**	**3,081,275**	**$23.75**	**$73,164,882.40**	**2,015,426**	**1,054,636**	**11,213**	**1,065,849**
Reporting Burden Total for Ongoing Burden		**43,713,990**	**2**	**87,427,903**	**0.070**	**6,163,351**	**$27.49**	**$169,454,908.94**	**4,032,015**	**2,108,909**	**22,427**	**2,131,335**
Reporting Burden Total for All Burden		**43,822,670**	**2**	**87,536,636**	**0.078**	**6,813,287**	**$29.07**	**$198,055,975.40**	**4,032,015**	**2,758,845**	**22,427**	**2,781,272**

E-Government Act Compliance

The Department is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

List of Subjects

7 CFR Part 271

Administrative practice and procedures, Employment, Supplemental Nutrition Assistance Program.

7 CFR Part 273

Administrative practice and procedure, Employment, Indian Reservations, Time limit, U.S. Territories, Waivers, Work requirements.

Accordingly, the Food and Nutrition Administration proposes to amend 7 CFR parts 271 and 273 as follows:

PART 271 – GENERAL INFORMATION AND DEFINITIONS

1. The authority citation for part 271 continues to read as follows:

Authority: 7 U.S.C. 2011-2036

2. In § 271.2, revise the definition of "homeless individual" to read as follows:

§**271.2 Definitions**

* * * * *

Homeless individual 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 public or private 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).

* * * * *

PART 273—CERTIFICATION OF ELIGIBLE HOUSEHOLDS

3. The authority citation for part 273 continues to read as follows:

Authority: 7 U.S.C. 2011-2036

4. Amend § 273.24 by revising the section heading, paragraphs (a)(5), (c), and (f), and adding paragraph (m) to read as follows:

5. Revise the title to read "SNAP Time Limit"

6. In § 273.24, add paragraph (a)(5)

7. In § 273.24, revise paragraph (c) to read as follows

8. In § 273.24, revise paragraph (f) to read as follows

9. In § 273.24, add paragraph (m)

The revisions and additions read as follows:

§**273.24 SNAP Time Limit.**

* * * * *

(a) * * *

(5) *Noncontiguous State* means a State agency other than the contiguous 48 States, the District of Columbia, Guam, and the U.S. Virgin Islands.

* * * * *

(c) *Exceptions*. The time limit does not apply to an individual if he or she is:

(1) Under 18 or 65 years of age or older;

(2) Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she:

(i) Is receiving temporary or permanent disability benefits issued by governmental or private sources;

(ii) Is obviously mentally or physically unfit for employment as determined by the State agency; or

(iii) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment.

(3) Is a parent (natural, adoptive, or step) of a household member under age 14, even if the household member who is under 14 is not himself eligible for SNAP benefits;

(4) Is residing in a household where a household member is under age 14, even if the household member who is under 14 is not himself eligible for SNAP benefits;

(5) Is otherwise exempt from work requirements under section 6(d)(2) of the Food and Nutrition Act of 2008, as implemented in regulations at § 273.7(b)(1)(ii) through (vii);

(6) Is pregnant;

(7) an Indian or an Urban Indian (as such terms are defined in paragraphs (13) and (28) of section 4 of the Indian Health Care Improvement Act); or

(8) a California Indian described in section 809(a) of the Indian Health Care Improvement Act.

* * * * *

(f) *Waivers*--(1) *General*. The State agency, with the support of the chief executive officer of the State, may request FNA approval to temporarily waive the time limit for a group of individuals in the State in the area in which the individuals reside. To be considered for approval, the request must be supported by corresponding data or evidence demonstrating that the requested area:

(i) Has an unemployment rate of over 10 percent; or

(ii) is in a noncontiguous State and has an unemployment rate that is at or above 1.5 times the national unemployment rate.

(2) *Required Data.* FNA may approve waiver requests under paragraphs (f)(1)(i) and (ii) supported by any one of the following:

(i) Data from the Bureau of Labor Statistics (BLS) or a BLS-cooperating agency that shows an area has a recent 12-month average unemployment rate over 10 percent; or

(ii) Data from the BLS or a BLS-cooperating agency that shows an area in a noncontiguous State has a recent 12-month average unemployment rate at or above 1.5 times the national unemployment rate.

(3) *Other data and evidence in an exceptional circumstance*. FNA may approve waiver requests that are supported by data or evidence other than those listed under paragraph (f)(2) of this section if the request demonstrates an exceptional circumstance in an area. The request must demonstrate that the exceptional circumstance is accompanied by an unemployment rate over 10 percent or at or over 1.5 times the national average for noncontiguous States. For example, this may include data from the BLS or a BLS-cooperating agency that shows an area has a most recent three-month average unemployment rate meeting the required threshold. In addition, the request must demonstrate that the impact of the exceptional circumstance is ongoing at the time of the request. Supporting unemployment data provided by the State must rely on standard BLS data or methods, if available.

(4) *Areas with limited data or evidence.* Waiver requests for an area for which standard BLS data or data from a BLS-cooperating agency is limited or unavailable, such as a reservation area or U.S. Territory, must meet criteria in (f)(1) but, are not required to conform to the criteria for approval under paragraphs (f)(2), (3), and (6) of this section. The supporting data or evidence provided by the State must be recent and must correspond to the requested area. FNA may approve waivers for these areas if the requests are supported by sufficient data or evidence, such as estimated unemployment rates based on available data from BLS and the U.S. Census Bureau.

(5) *Definition of area.* For the purposes of subsection (f), "area" means:

(i) A Commuting Zone recognized by the Economic Research Service (ERS);

(ii) A county or county-equivalent;

(iii) A reservation area or a U.S. Territory.

(6) *Areas that cross State borders*. Although Commuting Zones and reservation areas may cross State borders, the State agency may only request a waiver for areas within its State geographic boundaries. However, such a waiver request may be supported by data representative of the area within its State boundaries or the entire interstate area. For example, although the Commuting Zone for Memphis, Tennessee, includes counties in Mississippi and Arkansas, Tennessee may only request a waiver for the portion of the Commuting Zone within Tennessee borders. To support such a waiver request, Tennessee may submit data reflecting the Commuting Zone portion within Tennessee or the entire Commuting Zone.

(7) *Rules for combining data to group substate areas*. The State agency may only combine data from individual localities to assess unemployment rates for an area described in (f)(5)(i) or (iii).

(8) *Duration of waiver approvals.* In general, FNA will approve waivers for one year. FNA may approve waivers for a shorter period at the State agency's request.

(9) *Agency discretion*. FNA reserves the right to deny requests to waive the time limit when contrary, recent, readily-accessible, and robust evidence pertaining to the employment prospects for time-limited adults in the requested area is available.

* * * * *

(m) *Good faith effort determination.* The Secretary may approve a request from a noncontiguous State to exempt individuals from the time limit if the Secretary determines that the State agency is demonstrating a good faith effort to implement the time limit requirements.

(1) The State agency must submit a request to use such exemptions which describes:

(i) Any actions taken by the State agency toward compliance with the time limit requirements;

(ii) Any significant barriers to or challenges in meeting those requirements, including barriers or challenges relating to funding, design, development, procurement, or installation of necessary systems or resources;

(iii) The State agency's detailed plan and timeline for achieving full compliance with those requirements, including key milestones;

(iv) The State agency's plan for tracking and analyzing performance metrics for cases subject to the time limit, such as quality control metrics, timeliness rates, and other metrics as appropriate; and

(v) The State agency's plan for which individuals in the State it would exempt if the Secretary approves such exemptions under paragraph (m).

(2) *Duration of exemption.* Exemptions granted under paragraph (m) expire no later than December 31, 2028, and may not be renewed beyond that date.

(3) *Early termination.* The Secretary may terminate approval for exemptions granted under paragraph (m) prior to the expiration date of that exemption if the Secretary determines that the State agency:

(i) Has failed to comply with the reporting requirements described in subparagraph (4); or

(ii) Based on the information provided in such reports, has failed to make continued good faith efforts toward compliance with the time limit requirements.

(4) *Reporting requirements.* A State agency granted an exemption under subparagraph (m) must submit to the Secretary:

(i) Quarterly progress reports on the status of the State agency in achieving the milestones toward full compliance described in paragraph (1)(iii) of this section; and

(ii) Information on specific risks or newly identified barriers or challenges to full compliance, including the State agency's plan to mitigate those risks, barriers, or challenges.

Shiela Corley,
Acting Administrator

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