

Supplemental Nutrition Assistance Program (SNAP) Provisions in H.R. 3746, the Fiscal Responsibility Act of 2023

May 31, 2023

On May 29, 2023, the Fiscal Responsibility Act of 2023 (H.R. 3746) was introduced, reflecting the agreement reached between President Biden and Speaker of the House McCarthy in negotiations surrounding raising the debt limit. Below is a description of the Supplemental Nutrition Assistance Program (SNAP) provisions included in the legislation, as introduced, as well as a comparison to current law.

SNAP Background

SNAP provides benefits on electronic benefit transfer cards to eligible, low-income households. SNAP benefits are not the same as cash; they may only be spent on eligible food at authorized stores. SNAP is the largest of the domestic nutrition programs, both in terms of people served and federal spending (see [USDA's SNAP data tables](#)). The program is administered as a federal-state partnership with state agencies determining households' eligibility for benefits based on federal policy (including state options established within federal policy).

SNAP Time Limit, Prior to Any H.R. 3746 Changes

[SNAP has long included a number of work-related rules](#). Generally speaking, the strictest of the rules is the time limit for “Able-Bodied Adults Without Dependents” (ABAWDs), added by the 1996 welfare reform law. The limit requires specified individuals to work (or enroll in a work program such as a state’s [SNAP Employment and Training Program](#)) 20 hours per week (80 hours per month). If not compliant, these individuals are limited to three months of SNAP benefits in a 36-month period. (During the COVID-19 public health emergency, under the authority of P.L. 116-127, the time limit was largely suspended, but [states are transitioning back](#) to enforcement.) SNAP’s statute gives states two general options to reduce the applicability of the time limit. States may

1. apply to USDA to request waivers from enforcing the rule statewide or in a portion of the state, based on specified unemployment and/or labor market data; and

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2. where the limit is not waived, use discretionary, case-by-case exemptions to provide an additional month or months of benefits to an individual who has already received three months of benefits.

States vary in their use of [waivers](#) and [discretionary exemptions](#).

H.R. 3746: SNAP Provisions

Table 1 summarizes the SNAP provisions of the Fiscal Responsibility Act of 2023.

Overall, the legislation would change the population potentially subject to the time limit—expanding the applicable ages, but also exempting certain populations from the time limit policy entirely. The legislation also includes a new requirement for USDA to make public more information on waiver requests; would reduce the availability of states’ discretionary, case-by-case exemptions; and would include employment as a statutory purpose of the program.

The [Congressional Budget Office’s \(CBO’s\) cost estimate](#) of the bill (May 30, 2023) estimated that, taken together, the SNAP provisions would *increase* spending by \$2.1 billion over the 2023-2033 period. CBO describes the interaction of the policies that expand the population subject to the time limit with those that contract that population.

Table 1. SNAP Able-Bodied Adults Without Dependents Time Limit, Comparison of Current Law and H.R. 3746

H.R. 3746 Legislative Text Introduced May 29, 2023

	Current Law (prior to enactment of H.R. 3746)	H.R. 3746, As Introduced
<i>Amount of work required, duration of time limit</i>	For those subject to time limit, living in an area enforcing the limit, individuals must work and/or participate in a work program 20 hours per week (80 hours per month). If not compliant, they may receive up to three months of SNAP benefits in a 36-month period. (7 U.S.C. §2015(o)(2))	No changes.
<i>Ages subject to time limit</i>	Older than 18 years, younger than 50. (7 U.S.C. 2015(o)(3))	Phases in an upper age limit of 55: <ul style="list-style-type: none"> • FY2023: older than 18, younger than 51; • FY2024: older than 18, younger than 53; • FY2025 and each fiscal year thereafter: older than 18, younger than 55. (§311(a))
<i>Categorical exemptions</i>	In addition to those outside the age range above, populations exempt from the time limit are individuals <ul style="list-style-type: none"> • medically certified as physically or mentally unfit for employment; • with responsibility for a dependent child; • exempt from work registration requirements as listed in 7 U.S.C. §2015(d)(2); or • pregnant. 	Adds new exempt populations: <ul style="list-style-type: none"> • homeless individuals, • veterans, • 18-24-year olds who were in foster care on their 18th birthday. (§311(a))

	Current Law (prior to enactment of H.R. 3746)	H.R. 3746, As Introduced
<i>Timing for implementation of expanded age range and exempted populations</i>	Not applicable.	Applies to any initial certification or recertification received starting 90 days after the date of enactment of the bill. Sunset of October 1, 2030. (§311(b))
<i>States' discretionary exemptions</i>	States enforcing the time limit earn discretionary exemptions, which they may use to provide a time-limited individual an additional month or months of benefits. States' available exemptions are calculated based on 12% of the caseload estimated to be subject to the time limit. (7 U.S.C. §2015(o)(6))	For FY2024 and each subsequent fiscal year, reduces the discretionary exemption calculation to 8% of covered individuals. (§312)
<i>Program purpose</i>	Authorizing law does not include employment programs in the statutory purpose of the program. (7 U.S.C. §2011)	Adds obtaining employment and increasing earnings as statutory purposes of the program. (§313)
<i>States' labor-market-based waivers</i>	States may request to waive enforcement of the time limit for the entire state or portions of the state if the area (1) has an unemployment rate of over 10%; or (2) does not have a sufficient number of jobs to provide employment for the individuals. (7 U.S.C. §2015(o)(4)) USDA regulation specifies a number of different bases for requesting a waiver due to lack of sufficient jobs. (7 C.F.R. §273.24(f))	Does not change the available grounds for states to request waivers. Requires USDA to make public states' waiver requests, "all supporting data from the state, and agency approvals of such requests." (§314)

Source: CRS analysis of 7 U.S.C. §§2011, 2015, and H.R. 3746 as introduced.

Notes: "State" in the SNAP context refers to the 50 states, the District of Columbia, Guam, and the U.S. Virgin Islands.

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