



Food and
Nutrition
Service

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Park Office
Center

SUBJECT: Clarifying Obsolete Regulatory References to Employment,
Training, and Service Programs

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TO: Regional Directors
Supplemental Nutrition Assistance Program
All Regions

This memorandum clarifies obsolete regulatory references to programs under the Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) and its predecessors and reiterates the Food and Nutrition Service's (FNS) policy regarding exclusion of AmeriCorps benefits for purposes of income under the Supplemental Nutrition Program (SNAP). This memorandum also clarifies how States must treat WIOA for the purposes of the able-bodied adults without dependents (ABAWD) work requirement.

References to the Workforce Investment Act, the Job Training Partnership Act, and WIOA

WIOA repealed the Workforce Investment Act of 1998 (WIA). Section 512 of WIOA made conforming amendments throughout Federal law, including to the Food and Nutrition Act of 2008, to change WIA references to WIOA.

In reviewing SNAP regulations, FNS found obsolete references to both WIA and the Job Training Partnership Act of 1982 (JTPA), which was repealed by WIA. All references in 7 CFR part 273 to WIA and JTPA should now be read as references to WIOA. In section 273.9(b)(1)(v), the reference to "on-the-job training programs under section 204(b)(1)(C) or section 264(c)(1)(A) of the Workforce Investment Act" should be read as "on-the-job training programs under section 129(c)(2)(C)(iv) or section 134(c)(3)(D)(ii) of WIOA". These changes are not intended to result in any substantive difference in program administration.

Exclusion of AmeriCorps Benefits

During its review of the regulations, FNS discovered that section 273.9 refers to payments under two programs of the Corporation for National and Community Service that no longer exist. References to the Urban Crime Prevention Program and the University Year for Action are now obsolete.

FNS reminds State agencies that, consistent with section 177(d) of the National and Community Service Act of 1990 (42 U.S.C. 12637(d)) and longstanding FNS policy guidance issued most recently in 2001, AmeriCorps payments are to be excluded from income for SNAP purposes. This differs from the treatment of VISTA payments, which, as explained in 7 CFR 273.9(c)(10)(iii), are only excluded from income in the case of individuals receiving SNAP at the time they joined VISTA.

FNS will be issuing a rule to make technical corrections as described above and necessary to ensure that SNAP regulations are consistent with the current statutory text of the Food and Nutrition Act of 2008, as amended by WIOA.

WIOA and the ABAWD Work Requirement

Regulations at 7 CFR 273.24(a)(3) explain that ABAWDs subject to the time limit may fulfill the 80-hour per month work requirement, in part or in full, by participating in and complying with the requirements of a program under WIA (now WIOA). As noted in the March 31, 2016, joint letter from the U.S. Department of Agriculture and Department of Labor¹, State SNAP agencies are strongly encouraged to partner with State and local workforce agencies, including programs under WIOA, to serve ABAWDs. FNS is taking this opportunity to clarify that for the purposes of satisfying the ABAWD work requirement through participation in a program under WIOA, an individual may be a “reportable individual” or a “participant” as defined in 20 CFR 677.150(b)². Therefore, hours spent as a “reportable individual” or a “participant” in a program under WIOA can contribute towards meeting the 80-hour-per-month ABAWD work requirement.

Please distribute this guidance to your State agencies and advise them to contact their respective FNS Regional Offices points of contact with any questions and for technical assistance. FNS Regional Offices should contact Sasha Gersten-Paal at (703) 305-2507 with any questions concerning this memorandum.

Sincerely,



Lizbeth Silbermann
Director
Program Development Division

¹ <http://www.fns.usda.gov/sites/default/files/snap/USDA-DOL-letter-ABAWDs.pdf>

² as amended by the final rule of the Department of Labor and Department of Education entitled “Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions” (81 Fed. Reg. 55791; August 19, 2016)