

ATTACHMENT F

Legal Authority

Section 6(d) of the Food Stamp Act of 1977, as amended (the Act), and food stamp regulations at 7 CFR 273.7 require, as a condition of eligibility, that each non-exempt food stamp household member age 16 to 59 be work registered by the State agency at the time of application and once every twelve months thereafter. The State agency must screen each work registrant to determine whether to refer the individual to its Food Stamp Employment and Training (E&T) Program. State E&T programs are federally funded through an annual E&T grant. Both the Act and regulations require each State agency to file quarterly E&T program reports. These reports enable the Food and Nutrition Service (FNS) to monitor State performance.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) (Pub. L. 104-193), enacted in August 1996, amended the Act to limit Food Stamp Program participation by able-bodied adults without dependents (ABAWDs) to 3 months in 36 months unless the ABAWD is working 20 hours a week, participating in a work program 20 hours per week, or participating in a workfare program. PRWORA provided State agencies the option to request waivers of the participation limit for ABAWDs who live in areas with an unemployment rate over 10 percent or in areas with insufficient jobs.

The Balanced Budget Act of 1997 (BBA) (Pub. L. 105-33), enacted in August 1997, provided additional Federal E&T funds for fiscal years (FY) 1998 through 2002, and targeted 80 percent of all Federal E&T funds to qualifying work activities for ABAWDs.

OMB#: 0584-0339 E&T Activity

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The BBA required States to spend at least as much of their own funds on E&T administration as they did in FY 1996 in order to spend the additional funding. The BBA required FNS to monitor State agency expenditures of E&T funds, including the cost of individual E&T components, to ensure that the expenditures reflect the reasonable cost of efficiently and economically operating the program. The BBA permitted a State agency to exempt up to 15 percent of its ABAWD population each month from the 3-month time limit.

Section 4121 of the “Farm Bill,” the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171), enacted in May 2002, amended the Act to increase State flexibility in spending on the E&T program by repealing the 80 percent use-of-funds requirement to serve ABAWDs subject to the 3-month time limit; the maintenance of effort (States must meet their FY 1996 E&T State admin spending levels) required to access funds made available by the Balanced Budget Act of 1997, and the monitoring of E&T component costs (reimbursement rate limits on the amount States can be reimbursed for each qualifying ABAWD work slot filled and offered).

Section 4108 of the “Farm Bill”, the Food, Conservation, and Energy Act of 2008 (P.L. 100-234) to be enacted October 2008, permits the use of education and training (E&T) funds for post-employment job retention services for up to 90 days after individuals who received E&T services gained employment. It also provides that any individual voluntarily electing to participate in an E&T program is not subject to the hour of work limitation.