



Reforming the USDA State Waiver Process

Proposal: States have long been a valuable incubator for trying new ideas and evaluating them to see if they could work on a national scale. In addition, not all states have the same problems or conditions, labor markets, or caseload composition. Thus, the USDA should better use its current authority to the greatest extent possible to support state innovations that would help clients become more food secure and must give final approval or disapproval of these requests within 30 days of submission. Waiver requests will only be required for actions taken by a state that are currently considered major changes in program design and management evaluation systems.

Prompt and Transparent USDA Response: Therefore, it is important for the USDA to respond promptly to state innovation or experimentation proposals, both by encouraging waiver and demonstration projects and by reviewing proposed projects in a timely manner. The USDA should create a standardized, fully transparent process and offer staff and resource support to encourage such innovation. The agency should maximize the demonstration and waiver authority of the programs within its purview, while adhering to the SNAP goals of treating and preventing food insecurity in conjunction with recipient income contributions for food purchase, maintaining client protections, and keeping program integrity safeguards intact.

Final decisions by USDA to approve or disapprove such requests must be taken within 30 days of submission and must include a thorough explanation of the final decision. This timeframe includes 10 days for USDA to pose questions to states about the proposal, 10 days for the state to respond and 10 days for USDA to make a final determination of approval or denial. If USDA denies a state waiver or demonstration request, the agency must provide the state with a full and reasonable explanation of the reason for such denial and an independent appeals process (independent contractor CMS Medicare appeals' QIC model) for states must be established to act on appeals within 15 days of such denial.

USDA must make available on a public website information about waivers submitted, in process, and decided. The information must include the state submitting, short description of the proposal, date of submission, current status, and, if approved or denied, the date of decision. For any denials, the published information must include the reason for denial. Information on the website must be updated within 30 days of any change to a waiver.

Evidence-Based Waiver Results: States, in turn, under any approved waiver for program innovation aimed at improving the delivery of SNAP benefits and demonstrating potentially replicable models for other states must:

Report annually to USDA as agreed to by both parties in the waiver approval and provide data and analysis that the waiver approach is leading to one or more of the following improvements: 1) eligible client access to benefits, 2) timeliness of benefit delivery, 3) enhanced program accuracy, 4) reduced program fraud including duplicate participation in more than one jurisdiction in a state or another state, 5) an increased movement to employment by non-working SNAP households in which there is a non-disabled work-ready adult and 6) any other program improvement agreed to and approved for states by USDA.