To amend the Food and Nutrition Act of 2008 to allow for blended workforces to carry out the supplemental nutrition assistance program under certain conditions, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2023

Mr. BACON (for himself and Mrs. CHAVEZ-DeREMER) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Food and Nutrition Act of 2008 to allow for blended workforces to carry out the supplemental nutrition assistance program under certain conditions, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3 SECTION 1. SHORT TITLE.
4 This Act may be cited as the “SNAP Staffing Flexi-
5 bility Act of 2023”.
6 SEC. 2. SNAP STAFFING FLEXIBILITY.
7 (a) In General.—Notwithstanding section
8 11(e)(6)(B) of the Food and Nutrition Act of 2008, a
State agency (as defined in section 3 of the Food and Nutrition Act of 2008) may, by contract with the State agency at a reasonable cost in accordance with the State agency’s standard contracting rules, hire a contractor to undertake supplemental nutrition assistance program certification or carry out any other function of the State agency under the supplemental nutrition assistance program so long as—

(1) the contract does not provide incentives for the agency or contractor to delay eligibility determinations or to deny eligibility for individuals otherwise eligible for supplemental nutrition assistance program benefits, and

(2) the contractor has no direct or indirect financial interest in an approved retail store.

(b) USE.—A State agency may use the authority provided in subsection (a) when the State experiences increases in supplemental nutrition assistance program applications or an inability to timely process such applications from causes that include but are not limited to—

(1) pandemics and other health emergencies,

(2) seasonal workforce cycles,

(3) temporary staffing shortages, and

(4) weather or other natural disasters.
(c) Requirements.—A State agency that hires a contractor under subsection (a) shall ensure such action—

(1) is consistent with all principles under section 900.603 of title 5 of the Code of Federal Regulations; and

(2) is part of a blended workforce and does not supplant existing merit-based personnel in the State.

(d) Notification.—A State agency shall notify the Secretary of Agriculture of the intent to use the authority provided in this section and shall provide any information or data supporting State agency increases in supplemental nutrition assistance program applications or inability to timely process such applications.

(e) Program Design.—Any action taken by a State agency under subsection (a) shall not be—

(1) considered to be a major change in the operations of such State agency for the purposes of section 11(a)(4) of the Food and Nutrition Act of 2008 (7 U.S.C. 2020(a)(4)), or

(2) subject to any requirement specified in such section.

(f) Blended Workforce.—For purposes of this section, the term “blended workforce” means a government workforce that combines—
(1) employees of the State or of a local govern-
ment of such State, and

(2) employees of a for-profit, or private non-
profit, employer with whom a contract is made
under the authority provided in this section.

(g) **STATE AGENCY NOTIFICATIONS.**—Not later than
10 days after the date of the receipt of a notification sub-
mitted by a State agency under subsection (d), the Sec-
retary of Agriculture shall make publicly available on the
website of the Department of Agriculture the notification
submitted by such State agency and any accompanying
information or data supporting such notification so sub-
mitted.

(h) **ANNUAL REPORT.**—The Secretary of Agriculture
shall submit to the Agriculture Committee of the House
of Representatives and the Committee on Agriculture, Nu-
trition, and Forestry of the Senate, an annual report that
contains a description of the measures taken to address
the increases in supplemental nutrition assistance pro-
gram applications, any inability to timely process such ap-
plications, any information or data supporting State agen-
cy requests and recommendations for changes to the Sec-
etary’s authority under the Food and Nutrition Act of
2008 (7 U.S.C. 2011 et seq.) to assist the Secretary, and
States and local governments of State, in preparations for
any future increases in supplemental nutrition assistance program applications or inability to timely process such applications.

(i) **TEMPORARY STAFFING SHORTAGES.**—In cases of temporary staffing shortages, the authority provided to State agencies under subsection (a)—

(1) shall expire when the backlog of supplemental nutrition assistance program applications has been eliminated, and

(2) shall not impact any collective bargaining agreement or memorandum of understanding in effect between the State and employees of the State or of a local government of such State.