

118TH CONGRESS  
1ST SESSION

# H. R. 5094

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.

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## 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

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## 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

1 State agency (as defined in section 3 of the Food and Nu-  
2 trition Act of 2008) may, by contract with the State agen-  
3 cy at a reasonable cost in accordance with the State agen-  
4 cy's standard contracting rules, hire a contractor to under-  
5 take supplemental nutrition assistance program certifi-  
6 cation or carry out any other function of the State agency  
7 under the supplemental nutrition assistance program so  
8 long as—

9 (1) the contract does not provide incentives for  
10 the agency or contractor to delay eligibility deter-  
11 minations or to deny eligibility for individuals other  
12 wise eligible for supplemental nutrition assistance  
13 program benefits, and

14 (2) the contractor has no direct or indirect fi-  
15 nancial interest in an approved retail store.

16 (b) USE.—A State agency may use the authority pro-  
17 vided in subsection (a) when the State experiences in-  
18 creases in supplemental nutrition assistance program ap-  
19 plications or an inability to timely process such applica-  
20 tions from causes that include but are not limited to—

21 (1) pandemics and other health emergencies,

22 (2) seasonal workforce cycles,

23 (3) temporary staffing shortages, and

24 (4) weather or other natural disasters.

1 (c) REQUIREMENTS.—A State agency that hires a  
2 contractor under subsection (a) shall ensure such action—

3 (1) is consistent with all principles under sec-  
4 tion 900.603 of title 5 of the Code of Federal Regu-  
5 lations; and

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

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

14 (e) PROGRAM DESIGN.—Any action taken by a State  
15 agency under subsection (a) shall not be—

16 (1) considered to be a major change in the op-  
17 erations of such State agency for the purposes of  
18 section 11(a)(4) of the Food and Nutrition Act of  
19 2008 (7 U.S.C. 2020(a)(4)), or

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

22 (f) BLENDED WORKFORCE.—For purposes of this  
23 section, the term “blended workforce” means a govern-  
24 ment workforce that combines—

1           (1) employees of the State or of a local govern-  
2           ment of such State, and

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

6           (g) STATE AGENCY NOTIFICATIONS.—Not later than  
7           10 days after the date of the receipt of a notification sub-  
8           mitted by a State agency under subsection (d), the Sec-  
9           retary of Agriculture shall make publicly available on the  
10          website of the Department of Agriculture the notification  
11          submitted by such State agency and any accompanying  
12          information or data supporting such notification so sub-  
13          mitted.

14          (h) ANNUAL REPORT.—The Secretary of Agriculture  
15          shall submit to the Agriculture Committee of the House  
16          of Representatives and the Committee on Agriculture, Nu-  
17          trition, and Forestry of the Senate, an annual report that  
18          contains a description of the measures taken to address  
19          the increases in supplemental nutrition assistance pro-  
20          gram applications, any inability to timely process such ap-  
21          plications, any information or data supporting State agen-  
22          cy requests and recommendations for changes to the Sec-  
23          retary's authority under the Food and Nutrition Act of  
24          2008 (7 U.S.C. 2011 et seq.) to assist the Secretary, and  
25          States and local governments of State, in preparations for

1 any future increases in supplemental nutrition assistance  
2 program applications or inability to timely process such  
3 applications.

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

7 (1) shall expire when the backlog of supple-  
8 mental nutrition assistance program applications has  
9 been eliminated, and

10 (2) shall not impact any collective bargaining  
11 agreement or memorandum of understanding in ef-  
12 fect between the State and employees of the State  
13 or of a local government of such State.

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