



Food and Nutrition Service

Braddock Metro Center

1320 Braddock Place Alexandria VA 22314

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SUBJECT: Initial Guidance for State Implementation of Summer EBT in 2024

TO: Regional Directors
 Special Nutrition Programs
 SNAP
 All Regions

State Directors
 Child Nutrition Programs
 SNAP
 All States

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Summary:	The Consolidated Appropriations Act, 2023 (P.L 117-328) authorized a permanent, nationwide Summer Electronic Benefit Transfer (Summer EBT) Program beginning in 2024. This memorandum: (1) provides information to assist States and territories in preparing to implement Summer EBT in 2024; (2) applies to States that elect to administer the Summer EBT Program and administering agencies therein; and (3) relates to requirements under section 13A of the Richard B. Russell National School Lunch Act (NSLA) [42 U.S.C. 1762].

The Consolidated Appropriations Act, 2023 (P.L 117-328) (the Act) authorized a permanent, nationwide Summer Electronic Benefit Transfer (Summer EBT) Program beginning in 2024. The Act requires FNS to promulgate interim regulations within a year of the Act’s enactment. Interim regulations are effective upon publication and FNS will accept comments on the interim rule to inform subsequent rulemakings. Although FNS generally prefers to publish a proposed rule and receive public comments before issuing new policy, the use of an interim rule is necessary in this case in order to establish program requirements in advance of summer 2024. FNS is soliciting input from stakeholders to inform the rulemaking and will convene State listening sessions in June

after this memorandum publishes. States may also provide feedback through their regional offices at any time.

We are aware that States are already beginning to plan for Summer EBT and need certain information before the rule is published. FNS is issuing this memorandum to provide information to assist States, including American Samoa, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands in preparing to implement Summer EBT in 2024. A separate memo will be distributed in relation to Summer EBT for Covered Indian Tribal organizations.

Program Administration

Since 2010, FNS and States have worked together to identify new and innovative ways to ensure kids do not go hungry when school is not in session, including through Summer EBT and more recently summer Pandemic EBT (P-EBT). Thanks to the dedication and perseverance of our State partners, we have been able to overcome many obstacles and challenges to standing up these programs, and also learned valuable lessons about successful Program implementation. Child Nutrition and Supplemental Nutrition Assistance Program (SNAP) State agencies collaborated and committed to helping children and their families in times of need. This same level of commitment and collaboration will be critical to the success of the Summer EBT program as well. It is important for State agencies to work together in a collaborative way to determine the appropriate roles and responsibilities of each to ensure successful program implementation and a positive customer experience. FNS also urges States to work with their legislatures to determine any changes in State law needed to support effective Program implementation, and to identify State funds to cover Summer EBT administrative costs.

Benefit Funds

Funding for Summer EBT benefits in 2024 will be provided to States through a federal grant. States may make these benefits available in the form of an EBT card or, in the case of a Territory that does not issue nutrition assistance program benefits electronically, using the same methods by which that Territory issues benefits under its nutrition assistance program. As discussed below, to ensure compliance with statutory Summer EBT program integrity requirements, States will not use the Account Management Agent (AMA). This approach is different from the process used for P-EBT and will enable States and FNS to more easily track Summer EBT benefits throughout the issuance and redemption process. Based on feedback from State agencies, FNS decided on the grant process to give states more flexibility and to reduce the cost and administrative burden related to modifying the AMA process to support a separate, permanent Program beginning in 2024.

Summer EBT benefits are subject to the integrity requirements found in section 12, *Civil penalties and disqualification of retail food stores and wholesale food concerns*; section 14, *Administrative and judicial review*; and section 15 *Violations and enforcement* of the Food and Nutrition Act of 2008, as Amended (7 U.S.C. 2021, 2023, 2024). Summer EBT benefits must be tracked separately from SNAP benefits, or other benefit types, but are subject to the same oversight, restrictions, and

requirements as SNAP benefits. The federal grant funding and issuance model supports these requirements.

Due to its permanent nature, States have the opportunity to plan, prepare, and invest in program infrastructure to deliver Summer EBT benefits in a manner that fully separates them from other benefits while maintaining our shared goals of efficiency, effectiveness, and integrity. To help States meet the statutory integrity requirements, FNS will obligate Summer EBT benefit funds to the State as a grant. The process and timeframe for receiving benefit funds via a grant will be provided at a later date. States, in partnership with their EBT Processors, will need to manage the Summer EBT benefit funds in a manner similar to State-funded food assistance programs and cash programs. At the point of redemption, the State will draw funds from the FNS-provided Summer EBT benefit grant through the associated Automated Standard Application for Payments (ASAP) account. This account will be accessed and managed by the State.

Summer EBT State Administrative Funds and Other Potential Funding Sources

Beginning in Fiscal Year (FY) 2024, FNS will provide States administrative cost grants against which they can draw funds equal to 50 percent of the administrative expenses incurred by the State in operating its Summer EBT program. The balance of the administrative expenses must be paid with non-Federal sources. Summer EBT administrative funds may be used to pay the costs of operating the Program that are incurred by all State agencies that contribute to the operation of the program, as well as local educational agencies.

As SNAP is a distinct program from Summer EBT, Federal SNAP funds may not be used in the administration of Summer EBT. **In FY 2023 only**, Federal State Administrative Expense (SAE) funds made available through the Child Nutrition Act for the administration of Child Nutrition Programs may be used to prepare for Summer EBT. States are encouraged to consider how these funds could be used to lay the groundwork for Summer EBT, such as supporting the development of new program infrastructure like a Statewide eligibility system. **Beginning in FY 2024**, when Summer EBT administrative funds become available, Child Nutrition SAE funds may not legally be used for Summer EBT expenses.

In addition, Child Nutrition State agencies may potentially use other Child Nutrition funding sources, such as Technology Innovation Grants (TIG), for school meal projects that will have a collateral benefit to the State's Summer EBT Program. For example, allowable costs could include the development of systems to gather and maintain eligibility information at the State level. State agencies should consult with their regional office with any questions about the allowability of using Child Nutrition funds on projects impacting Summer EBT.

State Agreement and Management and Administration Plans

To ease program administration and to facilitate the Federal grant process described above, FNS will enter into a written Federal/State agreement with only one agency for each State that will be responsible for the overall administration of the Summer EBT Program i.e., the Summer EBT Coordinating agency. States will name which agency will have the written agreement with FNS

and will decide how Summer EBT responsibilities are delegated across their respective State and local agencies. To ensure clear roles and responsibilities, the Summer EBT Coordinating agency and the partnering Summer EBT agency must enter into an intra-agency written agreement that defines the roles and responsibilities of each, as well as the administrative structure and lines of authority. FNS suggests that States evaluate their resources and capabilities, and consider administrative and cost efficiency, the customer experience, program integrity, and their previous P-EBT experiences when determining how to structure their program's administration.

The Act requires each State desiring to participate in Summer EBT to notify FNS through the regional office by January 1, 2024, of its intent to administer the Program, at which point, subject to FY24 appropriations, administrative funding may be made available.

In addition, by February 15, 2024, and annually thereafter, States must submit for approval a Management and Administration plan for Summer EBT. The plan should outline the roles and responsibilities of each partnering agency that are included in the written agreement mentioned above. Additionally, this plan must include a request for administrative funds on behalf of the entire program, which will be allocated among other State or local agencies, as appropriate. The Summer EBT Coordinating agency and its partner Summer EBT State agency may submit separate administrative funding requests for the administrative convenience of receiving funds without the need to transfer money between State agencies. However, the Summer EBT Coordinating agency and partnering Summer EBT State agency requests must be coordinated to ensure the requests are consistent with overall program operations and the required cost allocations are maintained.

FNS recognizes that States may need funds to begin planning and early implementation activities before final operational plans are ready. FNS is prepared to work with States on interim agreements and operational plans in order to provide early administrative funding in advance of the establishment of a permanent agreement. More information on the process to request administrative funds will be provided at a later time.

FNS will host webinars to present the information in this memorandum and respond to questions. Following the webinars, State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

Melissa Rothstein
Associate Administrator
Child Nutrition Programs

Cathy Buhrig
Associate Administrator
Supplemental Nutrition Assistance Program