

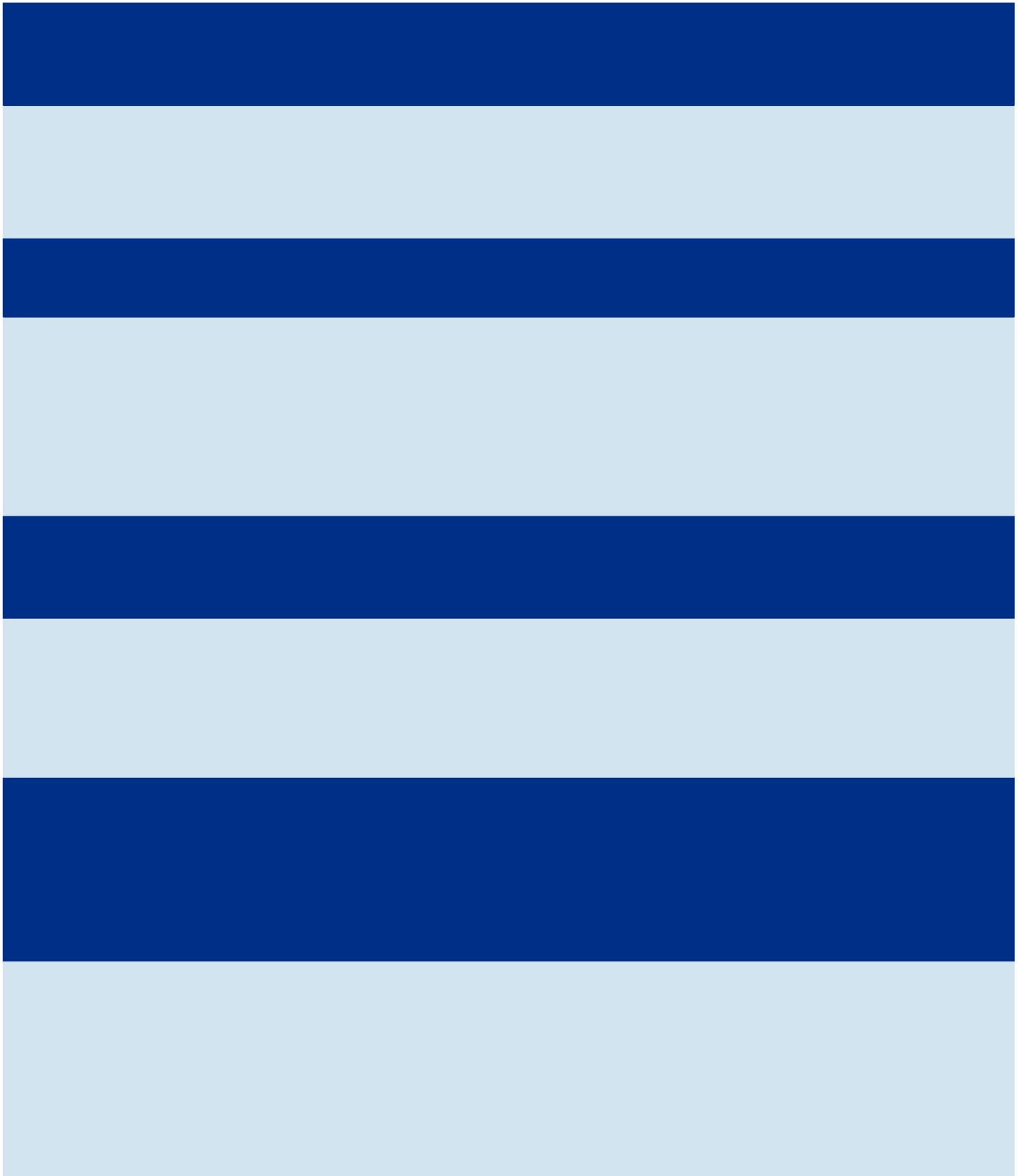
Recent AI Policymaking in the Human Services Sector

Public interest in AI and its potential uses is skyrocketing across the country and across sectors—and government human services agencies are no exception. Federal government agencies that oversee human services programs are actively developing policies to guide the operationalization of AI within human services delivery. From the October 2023 Executive Order on Safe, Secure, and Trustworthy Development and Use of AI, to more recent frameworks from the U.S. Department of Health and Human Services (HHS) and the U.S. Department of Agriculture Food and Nutrition Service (USDA FNS), federal policymakers are assembling the foundational components of national AI policy.

At the same time as widespread excitement and attention to AI is building, SNAP agencies face widespread challenges—from chronic capacity and resource constraints to urgent pressure for states to meet metrics for timely processing and payment accuracy.² AI and advanced automation present an opportunity to revisit how SNAP agencies navigate persistent and emergent challenges.

State and county SNAP agencies are eager to explore the potential for AI-enabled advancements in safe, secure, equitable, and compliant ways. USDA FNS released its first official guidance on automation in SNAP in early 2024 to support states undertaking automation activities to streamline processes. As of September 2024, FNS has yet to release guidance that specifically refers to AI implications in SNAP, and SNAP state agency leaders across the country share an interest in partnering with federal leaders and experts to accelerate their understanding of safe and effective uses of AI and automation to improve customer experience and reduce administrative burden.

Table 1. Summary of Federal Policy Relating to the Use of AI in SNAP



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As public human services agencies search for the best entry points to begin using AI in their programs, they must work within the realm of existing state and federal policy. SNAP is a highly regulated federal program and thus has strict requirements around what is and is not allowable. Even so, since SNAP is a state- and county-administered program, there are opportunities for state agency leaders to explore new ways to administer the program that work for the state's needs within the federal bounds. Depending on the desired policy or programmatic change, agencies can explore different pathways for experimentation. Each path comes with varying requirements and levels of federal approval. Table 2 outlines the pathways available for SNAP agencies to explore innovative approaches to program administration.

Table 2. Policy Avenues for SNAP Innovation

Policy Format	Defining Characteristics	Approval Needed from FNS	Example	Application for Automation/AI
9	Existing approved options chosen each year through annual state plans	None; once policy options are created by Congress, states may choose to adopt them	Length of a household's certification period	No current state policy options about using AI or automation; however, these technologies could ease administration of these options, such as flagging households for potential eligibility for certain deductions
	Signifies a substantial change in the way SNAP applicants and participants interact with the SNAP agency, including added functionality. Comes with extensive reporting requirements	FNS must acknowledge major change requests, and strongly encourages states to wait for acknowledgment before implementation	Creation of new call center or virtual assistant	Many, if not all, uses of advanced technology will likely require a major change form to be completed
	May deviate from regulatory provisions but must conform with existing federal law. Require justification on why they are needed and who they will impact	FNS must approve before implementation, usually for a temporary period	Telephonic signature allowing states to take applications over the phone	Would likely be required for new types of automation or use of AI not yet approved and outside of regulations
	Projects that waive requirements of Food and Nutrition Act and SNAP regulations. Can be used to test new ideas, but approval is complex. Projects must be cost neutral, include a robust evaluation, cannot be in place for longer than 5 years, and cannot impact more than 15% of the population	FNS must approve before implementation	Elderly Simplified Application Project (ESAP) to extend certification periods and remove recurring interviews for households with elderly members	Would likely be required for new types of advanced automation or AI which would require changes not currently allowable by the Food & Nutrition Act

Policy Considerations: Rights- and Safety-Impacting Uses

To ensure equity, privacy, and accuracy in SNAP case processing, agencies must also consider safety, rights,

Table 5. Examples of Humans in the Loop for Potential SNAP AI Use Cases

