



United States
Department of
Agriculture

SEP 16 2010

2090016

Food and
Nutrition
Service

3101 Park
Center Drive

Alexandria, VA
22302-1500

SUBJECT: SNAP - Guam Request to Waive Work Requirements for Able-Bodied Adults without Dependents (ABAWDs) – 7 CFR 273.24 – Extension – Approval

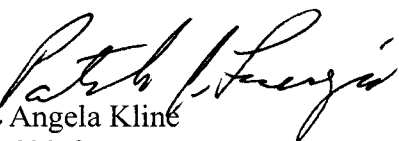
TO: Dennis Stewart
Regional Director
Supplemental Nutrition Assistance Program
Western Regional Office

This is in response to the Territory of Guam, Department of Public Health and Social Services' request dated July 27, 2010, to extend waiver #2090016 to exempt able-bodied adults without dependents (ABAWDs) island-wide from the Supplemental Nutrition Assistance Program (SNAP) work provisions at 7 CFR 273.24. Since the U.S. Bureau of Labor Statistics does not generate employment data for the Territory of Guam, the agency provided data from the Guam Department of Labor, Bureau of Labor Statistics (Guam BLS) as supportive documentation of its high unemployment. Given the unavailability of data from the U.S. Bureau of Labor Statistics; the Food and Nutrition (FNS) has in the past accepted Guam BLS data for the island.

FNS typically considers an area's 24-month average unemployment rate when calculating whether it meets the 20 percent unemployment threshold needed to qualify for an ABAWD waiver based on high unemployment. Although Guam submitted Guam BLS data collected from 2004 to 2009 as supportive documentation, only the unemployment figures from 2007 to 2009 were used. FNS chose to use this period since Guam did not conduct an employment survey in 2008 and we wanted to have at least two years worth of data upon which to base a review of the State's waiver request.

Based on the data provided and as recommended by the Western Regional Office, FNS is approving this waiver for a 1-year period, effective October 1, 2010 through September 30, 2011. Our detailed response is attached. If you have any questions, please contact Stephanie Davis at Stephanie.davis@fns.usda.gov or at (703) 305-2437.

Sincerely,

for 
Angela Kline
Chief

Certification Policy Branch
Program Development Division

Attachment

WAIVER RESPONSE

1. **Waiver Serial Number:** 2090016
2. **Type of Request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **Area:** Guam
6. **Region:** Western
7. **Regulatory Requirement:** Federal Regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received SNAP benefits for more than 3 months during any 3 year period in which the individual was subject to, but did not comply with the program's work requirement. Regulations at 273.24(a) provide that fulfilling the work requirement means: working 20 hours or more per week, averaged monthly; participating in and complying with the requirements of a work program or a workfare program for at least 20 hours per week; or any combination of working and participating in a work program for a total of 20 hours per week.

7 CFR 273.24(f) also provides that, upon the request of a State Agency, the Food and Nutrition Service (FNS) may waive the applicability of the abovementioned provision for any group of individuals in the State if it is determined that the area in which the individuals reside has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Description of proposed alternative procedures:** The Territory of Guam, Department of Public Health and Social Services, is requesting an island-wide waiver to exempt its ABAWD population from the work requirements of 7 CFR 273.24, based on high unemployment. The U.S. Department of Labor's Bureau of Labor Statistics does not have unemployment data for Guam, nor does Guam issue unemployment benefits to its residents. Labor data is derived from sample surveys of households conducted by Guam's BLS. These are periodic surveys, where field interviews are conducted inquiring about activity or status during the calendar week.

To support its claim of high unemployment, the table below shows Guam's combined labor force and unemployment data collected in the months of September 2007 and September 2009, compared to U.S. BLS data for the same months. Guam did not conduct a survey in 2008 due to funding issues.

In its waiver request, Guam also included unemployment data collected in March 2004, December 2005, March 2006 and September 2006 to support its claim. However, for States requesting an ABAWD waiver based on an unemployment rate that exceeds the national average by 20 percent, FNS typically bases approval on the State's 24-month average unemployment rate. As 2008 Guam unemployment figures are unavailable, FNS used the most recent survey data from 2009 and 2007 to calculate the Territory's 24-month average unemployment rate.

Combined National Unemployment Rate					
Month	Year	Labor force	Unemployed	Unemployment Rate	20 percent threshold
September	2009	153,617,000	14,538,000	9.5	
September	2008	154,509,000	9,199,000	6.0	
September	2007	153,400,000	6,952,000	4.5	
Total		461,526,000	30,689,000	6.65	7.98

Guam Unemployment Rate				
Month	Year	Labor force	Unemployed	Unemployment Rate
September	2009	70,310	6,510	9.3
September	2008	Survey not conducted in 2009 due to funding issues		
September	2007	63,600	5,310	8.3
Total		133,910	11,820	8.8

9. **Action and reason for approval or denial:** The regulations at 7 CFR 273.24(f) provide that the State agency submit whatever data it deems appropriate to support its request. To show insufficient jobs or high unemployment, regulations at 7 CFR 273.24(f) provide that the data a State agency submits may be non-exhaustive, as long as it relies on standard Bureau of Labor Statistics data or methods.

Based on the data provided and as recommended by our Western regional office, we are approving Guam's request for 1 year, effective October 1, 2010.

10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if it is determined that the area in which the individuals reside has insufficient jobs.

11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension, the State agency must provide data indicating that there continues to be insufficient jobs for ABAWDs residing in Guam, subject to 7 CFR 273.24.
13. **Expiration date:** This waiver is approved for one year, effective October 1, 2010 through September 30, 2011.
14. **Limitation, if any, on regional office approval of like requests:** Approval of this waiver is limited to the Territory of Guam only.
15. **Quality control procedures:** None.
16. **Date of national office action:** September 16, 2010
17. **Date of State agency's request:** July 27, 2010
18. **Date of regional office transmittal of request:** July 27, 2010
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**