



SEP 28 2011

2090016

United States
Department of
Agriculture

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

Food and
Nutrition
Service

TO: Dennis Stewart
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This is in response to the Guam Department of Public Health and Social Services' request 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. In the past, given the unavailability of data from the U.S. Bureau of Labor Statistics, Food and Nutrition (FNS) has accepted Guam BLS data for the island.

Although the Territory submitted Guam BLS data collected from 2004 to 2010 as supportive documentation, approval for this type of waiver is typically based on recent unemployment rate data. Also, after reviewing the information available on the Guam BLS website, FNS found that the unemployment data labeled as being from September 2010 in the Territory's waiver request is actually data that was collected in March 2011. It appears that the Territory did not collect unemployment data in 2010. FNS used Guam BLS unemployment figures from 2009 and 2011 in calculating whether the Territory meets the 10 percent unemployment threshold needed to qualify for an ABAWD waiver based on high unemployment.

Based on the data provided, FNS is approving this waiver for a 1-year period, effective October 1, 2011 through September 30, 2012. 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.


for Angela Kline
Chief
Certification Policy Branch
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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 (BLS) 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 2009 and March 2011, which demonstrate that the Territory's average unemployment rate for that period exceeds 10 percent.

Guam Unemployment Rate				
Month	Year	Labor force	Unemployed	Unemployment Rate
March	2011	74,950	9,970	13.3
September	2010	2010 data is unavailable		
September	2009	70,310	6,510	9.3
Total		145,260	16,480	11.35

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, 2011.

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, 2011 through September 30, 2012.
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 27, 2011
17. **Date of State agency's request:** July 22, 2011
18. **Date of regional office transmittal of request:** August 15, 2011
19. **Date of regional office transmittal of response to State agency:**