



**United States  
Department of  
Agriculture**

**Food and  
Nutrition  
Service**

**3101 Park  
Center Drive**

**Alexandria, VA  
22302-1500**

**OCT 10 2012**

Mr. James W. Gillan  
Director  
Department of Public Health and Social Services  
123 Chalan Kareta  
Mangilao, Guam 96913-6304

ATTN: Linda Ann T. Susuico

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

This is in response to the Guam Department of Public Health and Social Services' request to extend its 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. The agency provided data from the Guam Department of Labor, Bureau of Labor Statistics as supportive documentation of its high unemployment, as allowed under SNAP regulations at 7 CFR 273.24(f)(2).

FNS is approving this waiver for one year, effective October 1, 2012 through September 30, 2013. We are granting approval based upon our evaluation of recent unemployment data supplied by Guam though we note that some of the data Guam included in its request was not recent enough to be useful. Approval for this type of waiver should be based on recent unemployment rate data. As such, we agree with the Western Region that only the years of 2011 and 2012 are needed to approve this waiver based on having an unemployment rate that exceeds 10 percent.

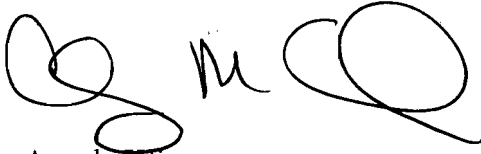
The Food and Nutrition Service (FNS) recognizes Guam's collection of labor data has historically been sporadic, capturing data for certain points in time, generally annually rather than on a monthly basis. For this waiver request Guam provided yearly unemployment data from March 2004 through March 2012. Based on the data submitted for the entire 2004 through 2012 period, Guam claims it had a combined unemployment rate of 8.96 percent, which exceeded the national unemployment rate of 7.92 percent. However, Guam's comparative analysis should not have included national labor data for years 2008 and 2010 in the national unemployment rate since Guam is unable to provide corresponding data for these years. In addition, the national "labor force" figures provided are incorrect, and some of the data provided isolates months where Guam has no comparative figure. For example, the September 2012, figure is actually an August 2012 figure, and the labor force was 154,645,000 rather than the whole population figure of 243,566,000 provided.

Mr. James W. Gillan

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If you have any questions, please contact Jackie Henry by e-mail at [Jackie.henry@fns.usda.gov](mailto:Jackie.henry@fns.usda.gov).

Sincerely,

A handwritten signature in black ink, appearing to be 'Angela Kline', written in a cursive style.

Angela Kline

Chief

Certification Policy Branch

Program Development Division

Attachment

VTR

## 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.

SNAP regulations at 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. 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 for a certain period of time.

To support its claim of high unemployment, the table below shows Guam's combined labor force and unemployment data collected in the months of March 2011 and March 2012, 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                  | 2012 | 68,400      | 8,060      | 11.8              |
| March                  | 2011 | 74,950      | 9,970      | 13.3              |
| Total                  |      | 143,350     | 18,030     | 12.6              |

9. **Action and reason for approval or denial:** FNS is approving the State's waiver to continue to exempt Guam residents who are ABAWDs from the work provisions of 7 CFR 273.24. SNAP regulations at 7 CFR 273.24(f)(2) provide that the State agency submit whatever data it deems appropriate to support its request, and that waiver requests based on unemployment rates or labor force data must be supported by Bureau of Labor Statistics data or methods.

To support a claim of unemployment over 10 percent, a State agency may submit evidence that an area has a recent 12 month average unemployment rate over 10 percent; a recent three month average unemployment rate over 10 percent; or an historical seasonal unemployment rate over 10 percent.

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, 2012 through September 30, 2013.
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:** October 3, 2012
17. **Date of State agency's request:** September 10, 2012
18. **Date of regional office transmittal of request:** September 19, 2012
19. **Date of regional office transmittal of response to State agency:**