



United States Department of Agriculture

Food and Nutrition
Service

January 31, 2022

1320 Braddock Place
Alex andria VA,
22314

Arthur U. San Agustin
Director
Guam Department of Public Health & Social Services
123 Chalan Kareta
Mangilao, Guam 96913-6304

Supplemental Nutrition Assistance Program (SNAP) – Guam Request to Waive Able-Bodied Adults Without Dependents Time Limit – Initial – Approval

Dear Director San Agustin:

This is in response to the Guam agency's December 6, 2021, request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs). The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

A vacatur rule, [published on June 30, 2021](#), returned the regulations governing ABAWD waivers and discretionary exemptions to the previous waiver criteria published in the January 17, 2001, final rule, [Food Stamp Program: Personal Responsibility Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996](#) (66 FR 4438), as the basis for any waiver approvals going forward. The current regulations are available on the [Electronic Code of Federal Regulations \(eCFR\) website](#).

The Food and Nutrition Service (FNS) also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:
A handwritten signature in black ink that reads "J. David Noble".

J. David Noble
Acting Chief
Certification Policy Branch
Program Development Division

2/1/2022

Enclosure

Enclosure

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Request Type:** Initial
2. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
3. **Regulatory Citation:** 7 CFR 273.24
4. **State:** Guam
5. **Food and Nutrition Service (FNS) Region:** Western
6. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit for any group of individuals in the State if the Secretary makes a determination 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.
7. **Requested Area(s) and Support:** The State agency requested to waive the ABAWD time limit throughout the Territory from March 1, 2022, to February 29, 2024. The U.S. Department of Labor's Bureau of Labor Statistics (BLS) does not collect unemployment data for Guam. Labor force data are derived from quarterly sample surveys of households conducted by the Guam Department of Labor, Bureau of Labor Statistics (Guam BLS).

The State agency supported its request based upon the Territory having a recent 3-month average unemployment rate over 10 percent, a criterion for statewide waiver approval provided by SNAP regulations at 7 CFR 273.24. According to the Guam BLS, the Territory's unemployment rate was 11.4 percent in June 2021. This justification is only sufficient to approve a 12-month statewide waiver. Since Guam requested a waiver for 24 months, FNS has determined that Guam qualifies for a 24-month statewide waiver under different criteria. Guam had an unemployment rate greater than 20 percent above the national average for a 36-month period. Guam's 36-month average unemployment rate was 10.5% from July 2018 to Jun 2021. The threshold for an unemployment rate 20% above the national average unemployment rate was 6.67% for this same time period.
8. **FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit for 24 months, consistent with FNS guidance. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
9. **Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
10. **Implementation Date:** March 1, 2022

11. Expiration Date: February 29, 2024

12. Information Required for Amendment or Extension: To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.

13. State Agency Contact Information:

Name: Ma. Theresa L. Arcangel

Phone Number: (671) 300-8879

Email: theresa.arcangel@dphss.guam.gov

14. FNS Regional Office Contact Information:

Name: Jodi Gonzales

Phone Number: (415) 705-1358

Email: jodi.gonzales@usda.gov

Name: Megan Stupi

Phone Number: 415-645-1923

Email: megan.stupi@usda.gov