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July 30, 2020

Alex J. Mayer  
SNAP Program Administrator  
Division of Economic Assistance  
South Dakota Department of Social Services  
700 Governors Drive  
Pierre, South Dakota 57501-2291

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

Dear Mr. Mayer:

This is in response to the South Dakota State agency's July 8, 2020, 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.

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, [\*Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents\*](#) (84 FR 66782), which revises the conditions under which FNS would approve requests from States to waive the ABAWD time limit. The final rule's changes to waiver standards were scheduled to take effect as of April 1, 2020. However, the final rule is currently in litigation in the U.S. District Court for the District of Columbia. On March 13, 2020, the Court granted the plaintiffs' motion for a preliminary injunction and a stay pending judicial review of the provisions related to waivers.

As discussed in the [May 11, 2020, memo](#) from FNS, while the injunction is in place, 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), will be used as the basis for any waiver approvals. Waivers approved under the 2001 standards will be in effect up until the date specified in the attached waiver response, or until the date at which new waiver standards become effective, whichever occurs earlier.

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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-of the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

Arpan Dasgupta

Chief

Certification Policy Branch

Program Development Division

Enclosure

## Enclosure

### Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 990047
2. **Request Type:** Extension
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** South Dakota
6. **Food and Nutrition Service (FNS) Region:** Mountain Plains
7. **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.
8. **Requested Area(s) and Support:** The South Dakota State agency requested to waive the ABAWD time limit in a total of 9 reservation areas from October 1, 2020, through September 30, 2021. The State agency supported its request based upon these areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of May 2018 through April 2020. During this time period the national average unemployment rate was 4.2 percent; 20 percent above that rate is 5.0 percent. The aggregate average unemployment rates for the 9 areas were at least 5.0 percent during the same time period (areas listed below in Table 1).

**Table 1: Reservation Areas (American Community survey and Bureau of Labor Statistics Data May 2018-April 2020)**

| Reservations                  | Unemployment Rate |
|-------------------------------|-------------------|
| 1. Cheyenne River Reservation | 7.6%              |
| 2. Crow Creek Reservation     | 6.4%              |
| 3. Flandreau Reservation      | 6.7%              |
| 4. Lake Traverse Reservation  | 5.8%              |
| 5. Lower Brule Reservation    | 12.2%             |
| 6. Pine Ridge Reservation     | 8.7%              |
| 7. Rosebud Indian Reservation | 7.8%              |
| 8. Standing Rock Reservation  | 5.2%              |
| 9. Yankton Reservation        | 5.2%              |

Data extracted from <http://www.bls.gov> and <http://factfinder.census.gov> on July 17, 2020.

- 9. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit the approved areas for one year or until the date at which the new waiver standards become effective, whichever occurs earlier. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 11. Implementation Date:** October 1, 2020
- 12. Expiration Date:** September 30, 2021 or the date at which the new waiver standards become effective, whichever occurs earlier
- 13. 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.
- 14. State Agency Contact Information:**
  - Name: Alex Mayer
  - Phone Number: (605) 773-4678
  - Email: alex.mayer@state.sd.us
- 15. FNS Regional Office Contact Information:**
  - Name: Philip Fraley
  - Phone Number: (303) 844-0341
  - Email: philip.fraley@usda.gov
  
  - Name: Kari Mardyla-Goddard
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