



United States Department of Agriculture

Food and Nutrition
Service

September 28, 2021

1320 Braddock Place
Alexandria VA,
22314

Amanda Doherty-Karber
SNAP Program Administrator
Department of Social Services
Division of Economic Assistance
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 Ms. Doherty-Karber:

This is in response to the South Dakota agency's September 17, 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](#).

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 "Arpan Dasgupta".

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Arpan Dasgupta
Chief
Certification Policy Branch
Program Development Division

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:** South Dakota
- 5. Food and Nutrition Service (FNS) Region:** Mountain Plains
- 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 in one (1) county and five (5) reservation areas from October 1, 2021, to September 30, 2022.

The State agency supported its request for the county based upon the county having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of January 2019 through December 2020. During this period, the national average unemployment rate was 5.8 percent; 20 percent above that rate is 7.0 percent. The average unemployment rate for the county was 7.6 percent during the 24-month period.

The State agency supported its request for the reservation areas based up the areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of May 2019 through April 2021. During this period, the national average unemployment rate was 6.2 percent; 20 percent above that rate is 7.5 percent. The average unemployment rate for the requested areas was 7.5 percent or greater during the 24-month period.

FNS reminds the State agency that the Families First Coronavirus Response Act (FFCRA) continues to temporarily and partially suspend the ABAWD time limit nationwide. While the suspension remains in place, only ABAWDs who are offered a slot in a work or workfare program, including a SNAP Employment & Training (E&T) program, are subject to the time limit.

Table 1: Counties (Bureau of Labor Statistics Local Area Unemployment Data, January 2019 – December 2020)

Counties	Unemployment Rate
1. Dewey County	7.6%
Data extracted from http://www.bls.gov on September 23, 2021	

Table 2: Reservation Areas (American Community Survey and Bureau of Labor Statistics Data May 2019 – April 2021)

Reservations	Unemployment Rate
1. Flandreau Reservation	8.5%
2. Lake Traverse Reservation	8.2%
3. Lower Brule Reservation	13.9%
4. Pine Ridge Reservation	8.3%
5. Rosebud Reservation	7.5%
Data extracted from http://www.bls.gov and https://data.census.gov on September 23, 2021	

8. FNS Action and Justification: FNS is approving the State agency's request to waive the ABAWD time limit. 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: October 1, 2021

11. Expiration Date: September 30, 2022

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: Virginia Hanson
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Email: Virginia.Hanson@state.sd.us

14. FNS Regional Office Contact Information:

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