

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

DISTRICT OF COLUMBIA, STATE OF
NEW YORK, STATE OF CALIFORNIA,
STATE OF CONNECTICUT, STATE OF
MARYLAND, COMMONWEALTH OF
MASSACHUSETTS, ATTORNEY
GENERAL DANA NESSEL ON BEHALF
OF THE PEOPLE OF MICHIGAN, STATE
OF MINNESOTA, STATE OF NEVADA,
STATE OF NEW JERSEY, STATE OF
OREGON, COMMONWEALTH OF
PENNSYLVANIA, STATE OF RHODE
ISLAND, STATE OF VERMONT,
COMMONWEALTH OF VIRGINIA, and
CITY OF NEW YORK,

Plaintiffs,

v.

U.S. DEPARTMENT OF AGRICULTURE;
GEORGE ERVIN PERDUE III, in his
official capacity as Secretary of the U.S.
Department of Agriculture, and UNITED
STATES OF AMERICA,

Defendants.

Case No. 1:20-cv-00119

**DECLARATION OF STEVE H. FISHER IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Steve H. Fisher, declare and state as follows:

1. I am over the age of eighteen (18) years, competent to testify to the matters contained herein, and testify based on my personal knowledge and information.
2. I am Administrator of the Nevada Division of Welfare and Supportive Services.
3. I am aware that the federal government recently issued a final rule "Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents" ("the Rule"). Under prior authority, able-bodied adults without dependents (ABAWDs) may only receive three months of benefits from the Supplemental Nutrition Assistance Program (SNAP) unless they fulfill certain work requirements. However, states like Nevada with areas of high unemployment may apply for waivers of this time limit. The Rule eliminates or restricts the criteria

upon which states can rely when applying for a waiver of the ABAWD time limit. I have reviewed the Rule and am aware of its direct implications on the administration of the Supplemental Nutrition Assistance Program (SNAP), formerly known as the Food Stamp Program, within the State of Nevada. I understand that this lawsuit challenges the Rule.

4. Between 2009 and 2018, Nevada was not subject to said requirements as the United States Department of Agriculture (USDA) granted Nevada a statewide waiver every year in that timeframe due to Nevada's economic conditions and socio-economic factors.

5. Nevada currently has a partial waiver for 15 of its 16 counties, 1 independent city, and 19 tribal reservations.

6. Nevada's current partial waiver has been extended until March 30, 2020.

7. The unemployment rate in Nevada as of September 2019 is 4.1%, which is 17% higher than the national unemployment rate as of September 2019, which is 3.5%. As a result, most of the counties in Nevada will be ineligible for a waiver under current standards when the existing waiver expires. But Esmerelda County (4.6% unemployment), Lyon County (4.4% unemployment), and Nye County (5.1% unemployment), meet current criteria to remain eligible for a waiver in 2020. Nevertheless, because unemployment in those counties falls short of the Rule's new unemployment floor rate of 6%, those three counties will be ineligible for a waiver under the Rule.

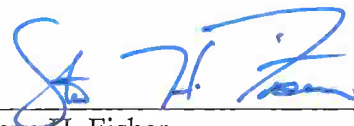
8. Nevada has approximately 24,500 ABAWDs statewide, and approximately 1,850 ABAWDs reside in Esmerelda, Lyon, and Nye counties.

9. The Nevada Supplemental Nutrition Assistance Employment and Training (SNAPET) only has one education component. The educational component of SNAPET is only available at Truckee Meadows Community College in Reno, Nevada, and is limited to 150 participants.

10. The Nevada Division of Welfare and Supportive Services is working with the Nevada System of Higher Education to expand availability of the educational component of SNAPET statewide. However, even with the expected expansion of the educational component, the program will remain limited on space. Current infrastructure and funding for SNAPET are inadequate to support the entire ABAWD population in Nevada.

I declare under penalty of perjury that the forgoing is true and correct and of my own personal knowledge.

Executed on January 8, 2020 in Carson City, NV.



Steve H. Fisher
Administrator, Nevada Division of Welfare
and Supportive Services