

3 April 2002

970142 & 970170

SUBJECT: FSP - Minnesota - Request to Waiver 7 CFR 273.24

TO: Ollice C. Holden, Regional Director
Food Stamp Program
Midwest Region

This is in response to your memorandum of March 13, 2002, forwarding the Minnesota State Agency's request to extend and modify two waivers of the work requirements of 7 CFR 273.24 for individuals residing on certain Indian Reservations.

Our response approving the request is attached. Please let us know if you have any questions.

/s/

Arthur T. Foley
Director
Program Development Division

Attachment

cc: All Regions (except MWRO)
John Knaus
OANE, Michael DePiro and Bob Dalrymple
Civil Rights

FNS:FSP:PDD:CPB:JPack:04-01-02:mcl:4-3-02

FILE: ABAWDs

DIR: I:Waivers/970142 ext., mod. & Memo 2003

Waiver Response

1. **Waiver serial numbers:** 970142 and 970170
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Minnesota
6. **Region:** MWRO
7. **Regulatory Requirements:** Under 7 CFR 273.24(b) individuals are not eligible to participate in the Food Stamp Program as a member of any household if, during the preceding 36 month period, the individual received food stamp benefits for not less than 3 months (consecutive or otherwise), during which the individual did not work 20 hours or more per week, averaged monthly, participate in and comply with the requirements of a work program for 20 hours or more per week, or participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, the FNS may waive the applicability of the above provision for any group of individuals in the State if the FNS makes determines that the area in which the individuals reside has an unemployment rate of over 10%, or does not have a sufficient number of jobs to provide employment for the individuals.

8. **Description of proposed alternative procedures:** The Minnesota State Agency is requesting to extend and modify its waivers to exempt residents on certain Indian Reservations from the work requirement of 7 CFR 273.24 based on insufficient jobs in the area for calendar years 2000 and 2001.

Waiver no. 970142. Currently under waiver no. 970142, residents of the Boise Forte (Nett Lake), Prairie Island, and Red Lake Reservations are exempted based on unemployment rates exceeding 10 percent. The State agency is requesting an extension of the wavier for residents of Bois Forte, Prairie Island and Red Lake Reservations.

Additionally, the State agency is requesting to modify its waiver to exempt individuals residing on the reservations of Fond du Lac, Grand Portage, Leech Lake (previously covered under #970170), and Lower Sioux from the work requirements of 7 CFR 273.24 due to having 12-month unemployment rates over 10 percent.

Waiver no. 970170. Currently under waiver no. 970170, residents of the Fond du Lac, Grand Portage, Leech Lake, Lower Sioux, Shakopee Community, and White Earth Reservations are exempt from the work requirements based on insufficient jobs as indicated by unemployment rates greater than 20 percent above the national average for the 24-month period ending December 2001. The State agency is requesting to extend this waiver for the residents of Shakopee Community, and White Earth Reservations.

The State agency has requested to modify this waiver by moving Fond du Luc, Leech Lake, Grand Portage, and Lower Sioux Reservations to waiver #970142 because they no longer meet the criteria for this waiver.

9. **Action and reason for approval or denial:** Waiver no. 970142. We are approving the State agency's request to exempt residents of the Boise Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Lower Sioux, Prairie Island, and Red Lake Reservations from work requirements of 7 CFR 273.24. Based on the data submitted all seven Reservations had 12-month average unemployment rates over 10 percent for the period ending December 2001.

Waiver #970142 - 10%			
Boise Forte (Nett Lake) 19.9%	Fond du Lac 11.9%	Grand Portage 10.8%	Leech Lake 10.2%
Lower Sioux 10.8%	Prairie Island 46.2%	Red Lake 13.7%	

Waiver no. 970170. We are approving the State agency's request to exempt residents of the White Earth, and the Shakopee Reservations based on insufficient jobs as indicated by unemployment rates greater than 20 percent above the national average for the 24-month period ending December 2001. The State agency calculated the unemployment rates using 1990 census share data and calendar year 2000 and 2001 labor force data supplied by the Minnesota Department of Economic Security. The 24-month national unemployment rate average was 4.4 percent for calendar years January 2000 through December 2001, and 4.8 percent for fiscal year 2000 through 2001.

Waiver #970170 – 20%	
Shakopee Community 6.7%	White Earth 10%

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f)(ii), which allows FNS to waive the applicability of the work requirement provisions of any group of individuals in the State if the area in which the individuals reside does not have a sufficient number of jobs to provide employment for the individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension.** To receive an extension the State agency shall provide unemployment rate data for the affected areas compiled by BLS or its cooperating agency or calculated using census share data and labor force data supplied by BLS or its cooperating agency indicating either an unemployment greater than 10 percent

or an unemployment rate greater than 20 percent above the national average for a recent 2-year period.

13. **Expiration date:** Both waivers will expire on March 31, 2003.
14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Minnesota State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** March 12, 2002.
18. **Date of regional office transmittal of response to State agency:** March 13, 2002.
19. **Actual Implementation Date:**