

April 29, 2005

970170

Subject: FSP - Minnesota – Request to Extend Waiver of the Requirements of 7 CFR 273.24

To: Tim English
Midwest Regional Director
Food Stamp Program

This letter is in response to the Minnesota State Agency's request of February 28, 2005, for an extension of its current waiver exempting residents of 10 Indian Reservations from the work requirements of 7 CFR 273.24.

Our formal waiver response approving the request is attached. The waiver has been approved retroactive to April 1, 2005.

If you have any questions, please contact Larry Tropp by email or telephone at 703-305-2504.

/s/

Harriet Kornegay
Assistant Branch Chief
Certification Policy Branch
Program Development Division

Attachment

FINAL:USDA:FNS:FSP:PDD:CPB:LTropp:2/10/05:so
DIR:I:CPB/Waivers/2005:2040052 MN Indian ABAWD Waiver

WAIVER RESPONSE

1. **Waiver serial numbers:** 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:** 7 CFR 273.24 provides that no individual shall be 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; did not participate in and comply with the requirements of a work program for 20 hours or more per week; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) also provides that, upon the request of a State agency, the Secretary may waive the applicability of the above provision 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. **Description of proposed alternative procedures:** The Minnesota State Agency is requesting an extension of its current waiver exempting individuals residing on 10 American Indian reservations from ABAWD work requirements based on insufficient jobs as indicated by an unemployment rate greater than 20 percent above the national average for a recent 24-month period. The reservation included in both the current waiver and the requested extension include the Fond du Lac, Grand Portage, Leech Lake, Lower Sioux, Mille Lacs, Red lake, Shakopee, Upper Sioux, White Earth and Vermillion Lake Reservations. The State agency's request is based on an employment rate greater than 20 percent above the national average for Calendar Years 2003 and 2004.
9. **Action and reason for approval or denial:**

We are approving the state agency's request to exempt residents who reside on the following Indian reservations based on an unemployment rate greater than 20 percent

above the national average for calendar years 2003 and 2004. The labor force figures are 24-month totals rather than the monthly average. Because the census ratios developed by the Bureau of Labor Statistics (BLS) are based on the 1990 Census we utilized census share ratios based on the 2000 Census that were developed by the State's BLS cooperating agency developed ratios. The data in the chart below was extracted from spread sheets developed by the State BLS cooperating agency.

Reservation/County	Employment (County)	Unemployment (County)	Labor Force (Reservation)	Unemployment (Reservation)	UER
Fond du Lac	376362	26164			
Carlton					
St. Louis	1385540	84981			
Combined	1761902 0.023970 4233	111145 0.035524 3948	46182	3948	8.5
Grand Portage	71643 .0109445	3422 0.2000	8525	684	8.0
Cook	8525	684			
Leech Lake	502502	1245			
Betrami					
Cass	304682	25882			
Hubbard	218842	13975			
Itasca	476794	42537			
Combined Reservation	1502820 0.068072 102300	112956 0.108660 12274	114574	12274	10.7
Lower Sioux	208661 0.009174 1914	9332 0.034351 321	2235	321	14.3
Redwood					
Mille Lacs	151923	12331			
Aitkin (LSA)					
Crow Wing	726049	43503			
Kanabec	148271	16494			
Mille Lacs	227356	23727			
Pine	292164	26017			
Combined	1545763 0.029211 45153	122072 0.050202 6128	51282	6128	12.0
Red lake	502502	1245			
Betrami					
Clearwater (LSA)	85641	12797			
Koochiching	143005	10403			
Lake of the Woods	59283	3163			
Marshall	104922	11459			
Pennington	196533	12797			
Polk	418768	20529			
Combined	1510654 0.021642 32694	101710 0.135181 13749	46443	13749	29.6
Shakopee	1421796 0.001920 2729	61131 0.006015 368	3097	368	11.9
Scott					
Upper Sioux	125943 0.004992 629	7580 0.013072 99	728	99	13.6
Yellow Medicine					

White Earth Becker	363429	24556			
Clearwater (LSA)	85641	12797			
Mahnomen	57308	3589			
Combined	506378 0.185657 94013	40942 0.217333 8898	102911	8898	8.6
Vermillion Lake St. Louis	1385540 .001147 1589	84981 0.003506 298	1887	298	15.8

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs. Under 7 CFR 273.24(f)(iii) waiver requests, based on the data from the BLS or a BLS cooperating agency showing that an area has an unemployment rate greater than 20 percent above the national average for a 24-month period no earlier than the period used by the Department of Labor to designate Labor Surplus Areas are readily approvable by FNS.
11. **Conditions and reasons:** N/A
12. **Information required for extension.** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.
13. **Expiration date:** This waiver is approved retroactive to April 1, 2005, and it will expire September 30 2005. Although most waivers are approved for a 12-month period, as requested by the State agency we are approving this waiver for a 6-month period. The State had requested the 6-month approval so that it could align the approval and expiration dates of all of its waivers of 7 CFR 273.24.
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:** February 28, 2005
18. **Date of regional office transmittal of request to national office:**
19. **Actual Implementation Date:**