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CPS

**United States
Department of
Agriculture**

Food and Consumer
Service

Northeast Region

10 Causeway Street, Room 501
Boston, MA 02222



Date:

JUN - 2 1999

Reply to Attention of:

NEFS-100

Subject:

ABAWD Waiver Extension Request, Maine (ME)

To:

Art Foley, Director
Program Development Division

Attached is a request dated May 24, 1999, from the Maine Department of Human Services to exempt individuals from Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The State agency requests an extension of waiver #970141 which is due to expire on June 30, 1999. This waiver was recently approved for a period of three months. We required the State to provide more recent information indicating a high unemployment rate. The State requested the information from the Penobscot Nation numerous times and finally received the information in late May. The State is well aware of the 60 day time frame but was unable to submit the request in a timely manner due to the lack of cooperation from the Penobscot Reservation.

We recommend approval of this waiver. If you have any questions or need more information, please contact Katie Blanchette at (617) 565-6415.

Mary A. Ferris, Chief
State Program Improvement Section
Food Stamp Program
Northeast Region

Attachment



WAIVER REQUEST OUTLINE

1. **Waiver serial number (if request is extension):** 970141
2. **Type of request:** Extension
3. **Primary regulation citation, if any** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation, if any:**
5. **State:** Maine
6. **Region:** NERO
7. **Regulatory requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Reconciliation Act (PRWORA), P.L. 104-193, 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 of 20 hours or more per week; or did not participate in and comply with requirements of a program under section 20 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, also provides that, upon 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. **Proposed alternative procedures:** The State of Maine is requesting to waive the requirements of Section 824 of the PRWORA on the basis of insufficient jobs for the residents of Penobscot Nation.
9. **Justification for request:** Information concerning the unemployment rate in Penobscot Nation has been difficult to obtain; however, we did receive some statistical information from them which show that the unemployment rate is high. We also compared 1990 information for both Penobscot County and Penobscot Nation to the April, 1999 unemployment rate in Penobscot County and used a ratio to determine the unemployment rate for Penobscot Nation. Our methodology for both are attached.
10. **Anticipated impact on households and State agency operations:** This waiver will provide consistency for households and State agency operations in areas where unemployment remains higher than the national average.

11. **Caseload information, including percent, characteristics, and quality control error rate for affected portion:** The caseload for this specific area represents a very small percent of the caseload for the state. There are no quality control procedures involved.

12. **Anticipated implementation date and time period for which waiver is needed:**
This waiver has an expiration date of June 30, 1999. We request a one-year extension.

13. **Proposed quality control review procedures:** There are no special quality control procedures needed in conjunction with this waiver.

14. **Signature and title of requesting official:**



Judy H. M. Williams, Director, Bureau of Family Independence
Department of Human Services

15. **Date of request:** January 27, 1999

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Expires:

**U.S. Department of the Interior
Bureau of Indian Affairs**

LABOR MARKET INFORMATION ON THE INDIAN LABOR FORCE

INFORMATION COLLECTION FOR CALENDAR YEAR: 1998

TRIBE:	Penobscot Nation		
Agency or Field Office:	Area: Eastern		
State:	Maine	County(ies):	Penobscot
(List county(ies) in which the Tribal Entity is physically located and, if applicable, its near (adj) reservation Service Area County(ies))			
Zip Codes:	04468	Tribal Code:	

Male Female Total

		1998		
		Male	Female	Total
A	Tribal Enrollment (official tribal membership roll totals)	1070	1059	2129
B	Total Resident/Service Area Indian Population (Individuals eligible for on-reservation services which the Secretary of Interior provides to Indian people)	(UNAVAILABLE)		600
C	Labor Force Determination (for individual American Indians and Alaska Natives having "On or Near" Reservation status)			
1	Number under age 16	(UNAVAILABLE)		138
2	Number age 16 through 64	(UNAVAILABLE)		409
3	Number over age 64	(UNAVAILABLE)		53
4	Population Not Available for Work (refer to "exclusions")	(UNAVAILABLE)		193
5	Employed in PUBLIC Sector Positions	49	38	99
6	Employed in PRIVATE Sector Positions	54	53	107
7	Employed BUT Below the Poverty Line (Use attached HHS Poverty Guidelines to determine poverty line totals)	43	33	76

(List sources of labor market information used, such as Bureau of Economic Analysis, Bureau of Labor Statistics, etc.)	
Economic Development	
Personnel Office	
Indian Island School	
Penobscot Nation Census List	
Education & Career Services	
(Attach additional sheet, if necessary)	

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Expires:

Provide a written report of the information received from the tribal members referred to in C5 & C6. The report should include the following information:

(Attach additional sheet, if necessary)

Other comments related to the report:

Tribal members referred to a C7 are included in C5 & C6.

(Attach additional sheet, if necessary)

Preparer Information:

Name (Type or Print): Mark Sanborn Date: 5/20/99

Title of Preparer: _____ Telephone #: (207) 827-1123

THIS REPORT IS CLASSIFIED AS UNCLASSIFIED BY DATE 11/20/01 BY SP-10/10/01

_____	_____
Certifying Tribal Official's Signature	Date
_____	_____
Certifying Agency Superintendent's Signature	Date
_____	_____
Certifying Area Director's Signature	Date

METHODOLOGY USING PENOBSCOT NATION STATISTICS

The following is our interpretation of the statistics provided to us by Penobscot Nation:

The tribal enrollment for the Penobscot Nation was 2129 as of May 20, 1999. The population eligible for on-reservation services numbered 600. Of these, at least 191 should be excluded from the work force count due to age (under 16 and over 64). We do not know how many of these are between the ages of 60 and 64.

Of the remaining 409 members, 206 of them are employed either in the public sector or in the private sector. This leaves 203 unemployed members which represents 34% of the work force population (including those up to age 64).

Using another method, we compared the 1990 census records which showed a statewide unemployment rate of 6.6 (for the approximate time period of January through March, 1990). At that time Penobscot County's unemployment rate was 6.7 and Penobscot Nation's was 12.3, almost doubled. In April, 1999, the statewide unemployment rate was 4.4 with Penobscot County's rate at 4.1. These figures were provided to this office by Maine's Department of Labor. Using a similar comparison with the figures from the census, we estimate that Penobscot Nation's unemployment rate for April, 1999 to be 8.2 at a minimum. This figure does not take into account the specific procedures necessary to reflect the unemployment rate on a reservation.

In addition to the above, we would like to note that while many reservations have developed casinos which may employ great numbers of members of the local tribe, Penobscot Nation does not have a casino. It does have a bingo hall which does help by creating some jobs.