

MAR 23 1999

970142 & 970170

SUBJECT: FSP - Minnesota - Request to Extend Waivers of Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: David M. Mikelson, Regional Director
Food Stamp Program
Midwest Region

This is in response to your memorandum of March 11, 1999, forwarding the Minnesota State Agency's request to extend its waivers of 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 is requesting extensions of two waivers exempting residents of Indian Reservations. Under current waiver no. 970142, residents of the Boise Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Prairie Island, Red Lake and White Earth Reservations are exempt based on unemployment rates exceeding 10 percent. Under current waiver no. 970170, residents of the Lower Sioux Reservation are exempt based on insufficient job opportunities on the reservation. Although the State agency failed to mention the White Earth Reservation in its request, we included the reservation in our response following telephone conversations between Carl Rippe of your staff and Larry Tropp of mine indicating that the omission of the reservation was the result of an oversight by the State agency.

Our response approving both of the waivers is attached. Please note that the Fond du Lac, Grand Portage, Leech Lake, and White Earth reservations, which were previously exempt based on unemployment exceeding 10 percent will now be exempt under Waiver No. 970170 (insufficient jobs as indicated by unemployment greater than 20 percent above the national average of 4.8 percent for a recent 2-year period) rather than under waiver no. 970149 since the unemployment rate for those reservations has fallen below 10 percent. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachments

cc: SAB-PAD, Retha Oliver, John Knaus, Fran Heil, Maurice Tracy, All Regions (except MWRO), Civil Rights, CPB (circulate), Michael DePiro, OAE

FNS:FSP:PDD:LTropp:final:3/19/99:va
FILE: ABAWDs
DIR: I:Waivers/970142.mem-1999 extension

Symbol	Surname	Date	Symbol	Surname	Date
970142	J. Knaus	3/21/99			
970170	J. Knaus	3/22/99			

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Waiver Response

1. **Waiver serial numbers:** 970142 and 970170
2. **Type of request:** Extension and Amendment
3. **Primary regulation citation:** 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:**
5. **State:** Minnesota
6. **Region:** MWRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity 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 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 received benefits because they were exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, 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 extension of its waivers exempting individuals residing on eight Indian Reservations. Under waiver no. 970142, residents of the Boise Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Prairie Island, Red Lake and White Earth Reservations are exempt based on unemployment rates exceeding 10 percent. Under waiver no. 970170, residents of the Lower Sioux reservation are exempt from the requirements of Section 6(o) based on insufficient jobs for residents of the reservation.

9. **Action and reason for approval or denial:** We are approving the State agency's request to extend both of its current waivers exempting residents of Indian Reservations from the work requirements of Section 6(o) of the Food Stamp Act. Residents of the Boise Forte (Nett Lake), Prairie Island, Red Lake, and White Earth Reservations will continue to be exempt based on unemployment rates exceeding 10 percent as calculated through the use of census share ratios. We note, however, that the Fond du Lac, Grand Portage, Leech Lake, and White Earth reservations, which were previously exempt based on unemployment exceeding 10 percent will now be exempt under Waiver No. 970170 (insufficient jobs as indicated by unemployment greater than 20 percent above the national average of 4.8 percent for a recent 2-year period) rather than under waiver no. 970149 since the unemployment rate for those reservations has fallen below 10 percent. The Lower Sioux Reservation continues to be exempt under waiver no. 970170.

The unemployment rates (averaged for the periods December 1996 through November 1997, and December 1997 through November 1998) for the reservations are shown in the following table. The rates include all of the counties within the respective reservations.

Reservation	Average Unemployment Rates		Waiver Number (Basis)
	1997	1998	
Boise Forte (Nett Lake)	17.3%	14.5%	970142 (UE > 10%)
Fond du Lac	11.7%	9.4%	970170 (UE > 20% above the national average (4.8%))
Grand Portage	11.2%	9.0%	970170 (UE > 20% above the national average (4.8%))
Leech Lake	12.5%	9.4%	970170 (UE > 20% above the national average (4.8%))
Lower Sioux	8.8%	7.8%	970170 (UE > 20% above the national average (4.8%))
Prairie Island	46.2%	40.0%	970142 (UE > 10%)
Red Lake	17.4%	12.7%	970142 (UE > 10%)
Vermillion Lake (Nett lake)	29.4%	26.7%	970142 (UE > 10%)
White Earth	12.1%	9.7%	970170 (UE > 20% above the national average (4.8%))

10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) 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 over 10 percent or has insufficient jobs.

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 its BLS cooperating agency indicating either 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 are effective April 1, 1999, and will expire on March 31, 2000.
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 26, 1999
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**



United States Department of Agriculture
Food and Nutrition Service

Midwest Region

Reply to
attn of: MWFS-100:FS 13-1-3 MN

MAR 11 1999

Subject: Minnesota's Request to Extend and Modify ABAWD Waivers for Indian Reservations

To:
Art Foley, Director
Program Development Division
Food Stamp Program

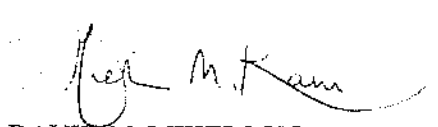
Attached is Minnesota's request to extend two waivers of Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for individuals residing on Indian reservations. Minnesota's request, dated February 26, 1999, includes documentation to support extensions of waivers #970142 and # 970170.

Waiver #970142 exempted persons on reservations having unemployment rates over 10%. This waiver is being requested for the Bois Forte (Nett Lake), Prairie Island and Red Lake reservations. Documentation of average unemployment rates provided by the State's Department of Economic Security (DES) is attached. The State's letter which made reference to this data as being from December 1996 through November 1997 should actually reflect the period of time from December 1997 through November 1998.

Waiver # 970170 exempted persons due to geographic areas having insufficient jobs. This waiver is being requested for Fond du Lac, Grand Portage, Leech Lake and Lower Sioux, reservations. The State agency believes that these reservations meet the criteria to be exempt from the Able-Bodied Adults without Dependent Children work requirements.

Both waivers were previously approved through March 31, 1999. The State agency is requesting that modified versions of both waivers be approved through March 31, 2000.

We recommend that these waivers be approved for the above listed specified areas. If you have any questions or require any further information regarding these waiver requests, please feel free to contact me or have a member of your staff contact Carl Rippe at (312) 353-6587.



DAVID M. MIKELSON
Regional Director
Food Stamp Program

Attachments



Minnesota Department of **Human Services**

February 26, 1999

Theodore O. Bell, Regional Administrator
Midwest Region
Food and Nutrition Service
U. S. Department of Agriculture
77 West Jackson Blvd. 20th Floor
Chicago, IL 60604-3507

Dear Mr. Bell:

This letter is written to request an extension of approved waivers exempting individuals from section 6 (c) of the Food Stamp Act as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

A letter from Food and Nutrition Service dated March, 28, 1997 approved waivers exempting persons residing within the borders of Bois Forte (Nett Lake), Fond du Lac, Grand Portage, Leech Lake, Prairie Island, Red Lake and White Earth Reservations. This waiver was approved as these reservations had unemployment rates of over 10 percent. Waiver number 970142 was assigned and the waiver was made effective December 1, 1996 through March 31, 1998.

In addition, a separate waiver was approved for the Lower Sioux reservation based on insufficient jobs. This waiver was assigned number 970170 and was also made effective December 1, 1996 through March 31, 1998.

According to the most recent 12 month statistics, December 1996 through November 1997, Bois Forte, Prairie Island, and Red Lake reservations listed in paragraph two have unemployment rates that remain at 10 percent or higher.

The Lower Sioux reservation has an unemployment rate of 7.8 percent (1997 rate: 8.8%), Fond du Lac 9.4 percent (1997: 11.7%), Grand Portage 9.4 percent (1997: 11.2%), and Leech Lake 9.4% (1997: 12.5%). These rates have been more than 20% above the national average for the past two years, which would make them eligible for a waiver under the category of insufficient jobs.

Based upon the aforementioned information Minnesota is requesting that waiver numbers 970142 and 970170 be extended from April 1, 1999 through March 31, 2000.

Mr. Theodore O. Bell

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February 26, 1999

Upon approval the Department of Human Services will notify these reservations that individuals residing within their borders will be exempt from the Able-Bodied Adults Without Dependents time limited eligibility provisions.

If you have any questions or concerns regarding this request or the attached statistics please contact John Morrison at 651-297-4623.

Sincerely,

Deborah L. Huskins

Deborah L. Huskins *by BLB*
Assistant Commissioner
Economic and Community Support Strategies

encl:

Removing 86% of those 65 and over

Bois Forte (Nett Lake) Reservation, MN					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Koochiching County	0.00237	17	14	14
	Balance of St. Louis County	0.00182	84	92	100
	Total		101	106	114
Unemployment		Census-Share Ratio			
	Koochiching County	0.01078	5	4	4
	Balance of St. Louis County	0.00648	30	14	13
	Total		35	18	17
		Unempl Rate	25.7%	14.5%	13.0%
Not in the Labor Force		Census-Share Ratio			
	Koochiching County	0.00520	15	21	19
	Balance of St. Louis County	0.00199	40	34	26
	Total		55	55	45
		NOT Empl Rate	47.1%	40.8%	35.2%
Deer Creek Reservation, MN					
Employment		Census-Share Ratio	1990	1997	Dec-98
	Itasca County	0.00401	61	69	75
Unemployment		Census-Share Ratio			
	Itasca County	0.00247	5	3	3
		Unempl Rate	7.6%	4.2%	3.8%
Not in the Labor Force		Census-Share Ratio			
	Itasca County	0.00486	38	41	34
		NOT Empl Rate	41.3%	38.9%	33.0%
Fond du Lac Reservation, MN					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Carlton County	0.07429	880	983	1,107
	Balance of St. Louis County	0.00652	301	330	358
	Total		1,181	1,313	1,465
Unemployment		Census-Share Ratio			
	Carlton County	0.15371	174	104	91
	Balance of St. Louis County	0.01446	67	32	30
	Total		241	136	121
		Unempl Rate	16.9%	9.4%	7.6%
Not in the Labor Force		Census-Share Ratio			
	Carlton County	0.06812	348	347	239
	Balance of St. Louis County	0.00929	187	160	122
	Total		535	507	361
		NOT Empl Rate	39.7%	32.9%	24.8%

Removing 86% of those 65 and over

Grand Portage Reservation, MN		1990	1998aa	Dec-98
Employment		Census-Share Ratio		
	Cook County	0.06302	123	181
Unemployment		Census-Share Ratio		
	Cook County	0.17512	38	19
		Unempl Rate	23.6%	9.5%
Not in the Labor Force		Census-Share Ratio		
	Cook County	0.08982	45	30
		NOT Empl Rate	40.3%	21.3%
Leech Lake Reservation, MN		1990	1997	Dec-98
Employment		Census-Share Ratio		
	Beltrami County	0.02907	405	563
	Cass County	0.19706	1,514	2,141
	Hubbard County	0.01585	93	127
	Itasca County	0.04157	632	778
	Total		2,644	3,609
Unemployment		Census-Share Ratio		
	Beltrami County	0.04187	60	33
	Cass County	0.32136	322	233
	Hubbard County	0.00799	5	4
	Itasca County	0.09665	196	104
	Total		583	374
		Unempl Rate	18.1%	9.4%
Not in the Labor Force		Census-Share Ratio		
	Beltrami County	0.04743	304	207
	Cass County	0.25030	1,041	901
	Hubbard County	0.01075	27	17
	Itasca County	0.06069	537	476
	Total		1,909	1,601
		NOT Empl Rate	40.5%	35.4%
Lower Sioux Community, MN		1990	1998aa	Dec-98
Employment		Census-Share Ratio		
	Redwood County	0.01056	80	94
Unemployment		Census-Share Ratio		
	Redwood County	0.02991	7	6
		Unempl Rate	8.0%	6.0%
Not in the Labor Force		Census-Share Ratio		
	Redwood County	0.00752	33	3
		NOT Empl Rate	36.0%	8.7%

Removing 86% of those 65 and over

Mille Lacs Reservation, MN		1990	1998aa	Dec-98
Employment	Census-Share Ratio			
Aitkin County	0.00247	11	13	14
Crow Wing County	0.00000	0	0	0
Kanabec County	0.00000	0	0	0
Mille Lacs County	0.01106	88	86	92
Pine County	0.00075	6	7	8
Total		105	106	114
Unemployment	Census-Share Ratio			
Aitkin County	0.00000	0	0	0
Crow wing County	0.00000	0	0	0
Kanabec County	0.00000	0	0	0
Mille Lacs County	0.00578	3	3	3
Pine County	0.00000	0	0	0
Total		3	3	3
	Unempl Rate	2.8%	2.8%	2.6%
Not in the Labor Force	Census-Share Ratio			
Aitkin County	0.00257	6	6	5
Crow Wing County	0.00000	0	0	0
Kanabec County	0.00000	0	0	0
Mille Lacs County	0.03925	100	154	128
Pine County	0.00000	0	0	0
Total		106	160	133
	NOT Empl Rate	50.9%	60.6%	54.4%
Minnesota Chippewa Trust Lands, MN *		1990	1998aa	Dec-98
Employment	Census-Share Ratio			
Becker County	0.00000	0	0	0
Carlton County	0.00000	0	0	0
Cass County	0.00000	0	0	0
Otter Tail County	0.00000	0	0	0
Balance of St. Louis County	0.00026	12	13	14
Total		12	13	14
Unemployment	Census-Share Ratio			
Becker County	0.00000	0	0	0
Carlton County	0.00000	0	0	0
Cass County	0.00000	0	0	0
Otter Tail County	0.00000	0	0	0
Balance of St. Louis County	0.00000	0	0	0
Total		0	0	0
	Unempl Rate	0.0%	0.0%	0.0%
Not in the Labor Force	Census-Share Ratio			
Becker County	0.00023	1	1	1
Carlton County	0.00000	0	0	0
Cass County	0.00000	0	0	0
Otter Tail County	0.00000	0	0	0
Balance of St. Louis County	0.00025	5	4	3
Total		6	5	4
	NOT Empl Rate	33.3%	27.0%	22.2%

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Prairie Island Community, MN *			1990	1998aa	Dec-98
Employment		Census-Share Ratio			
	Goodhue County	0.00031	6	6	7
Unemployment		Census-Share Ratio			
	Goodhue County	0.00731	6	4	4
		Unempl Rate	50.0%	40.0%	36.4%
Not in the Labor Force		Census-Share Ratio			
	Goodhue County	0.00160	7	7	4
		NOT Empl Rate	68.4%	64.7%	53.3%
Red Lake Reservation, MN			1990	1998aa	Dec-98
Employment		Census-Share Ratio			
	Beltrami County	0.06102	850	1,074	1,181
	Clearwater County	0.08722	21	23	26
	Koochiching County	0.00000	0	0	0
	Lake of the Woods County	0.00000	0	0	0
	Marshall County	0.00000	0	0	0
	Pennington County	0.00000	0	0	0
	Polk County	0.00000	0	0	0
	Red Lake County	0.00000	0	0	0
	Roseau County	0.00000	0	0	0
	Total		871	1,097	1,207
Unemployment		Census-Share Ratio			
	Beltrami County	0.19470	279	159	156
	Clearwater County	0.00000	0	0	0
	Koochiching County	0.00000	0	0	0
	Lake of the Woods County	0.00000	0	0	0
	Marshall County	0.00000	0	0	0
	Pennington County	0.00000	0	0	0
	Polk County	0.00000	0	0	0
	Red Lake County	0.00000	0	0	0
	Roseau County	0.00000	0	0	0
	Total		279	159	156
		Unempl Rate	24.3%	12.7%	11.4%
Not in the Labor Force		Census-Share Ratio			
	Beltrami County	0.14259	914	870	623
	Clearwater County	0.00652	9	7	4
	Koochiching County	0.00000	0	0	0
	Lake of the Woods County	0.00000	0	0	0
	Marshall County	0.00000	0	0	0
	Pennington County	0.00000	0	0	0
	Polk County	0.00000	0	0	0
	Red Lake County	0.00000	0	0	0
	Roseau County	0.00000	0	0	0
	Total		923	877	627
		NOT Empl Rate	58.0%	48.6%	39.3%

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Sandy Lake Reservation, MN *					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Aitkin County	0.00157	7	8	9
Unemployment		Census-Share Ratio			
	Aitkin County	0.00000	0	0	0
		Unempl Rate	0.0%	0.0%	0.0%
Not in the Labor Force		Census-Share Ratio			
	Aitkin County	0.00471	11	12	10
		NOT Empl Rate	61.1%	60.0%	52.6%
Shakopee Community, MN					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Scott County	0.00213	84	107	118
Unemployment		Census-Share Ratio			
	Scott County	0.00602	8	5	5
		Unempl Rate	8.7%	4.5%	4.1%
Not in the Labor Force		Census-Share Ratio			
	Scott County	0.00920	52	87	51
		NOT Empl Rate	41.7%	46.2%	32.2%
Upper Sioux Community, MN *					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Yellow Medicine County	0.00184	9	8	9
Unemployment		Census-Share Ratio			
	Yellow Medicine County	0.00000	0	0	0
		Unempl Rate	0.0%	0.0%	0.0%
Not in the Labor Force		Census-Share Ratio			
	Yellow Medicine County	0.00521	8	10	8
		NOT Empl Rate	47.1%	55.6%	47.1%
Vermillion Lake Reservation, MN *					
Employment		Census-Share Ratio			
	Balance of St. Louis County	0.00022	10	11	12
Unemployment		Census-Share Ratio			
	Balance of St. Louis County	0.00173	8	4	4
		Unempl Rate	44.4%	26.7%	25.0%
Not in the Labor Force		Census-Share Ratio			
	Balance of St. Louis County	0.00040	8	7	5
		NOT Empl Rate	61.5%	50.0%	42.9%

Removing 86% of those 65 and over

White Earth Reservation, MN					
Employment		Census-Share Ratio	1990	1998aa	Dec-98
	Becker County	0.07918	899	922	991
	Clearwater County	0.05878	171	188	214
	Mahnomen County	0.99520	1,660	1,959	2,043
	Total		2,730	3,069	3,248
Unemployment		Census-Share Ratio			
	Becker County	0.15025	151	105	114
	Clearwater County	0.14343	71	57	62
	Mahnomen County	0.98851	172	169	167
	Total		394	331	343
		Unempl Rate	12.6%	9.7%	9.6%
Not in the Labor Force		Census-Share Ratio			
	Becker County	0.16755	729	870	714
	Clearwater County	0.08038	111	90	53
	Mahnomen County	0.98729	1,010	743	660
	Total		1,850	1,703	1,427
		NOT Empl Rate	45.1%	39.9%	35.3%
* where population totals are less than 100, rates are subject to change with each addition or subtraction.					