



Food and
Nutrition
Service

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Date: September 20, 2019

Alex J. Mayer
SNAP Program Administrator
Division of Economic Assistance
South Dakota Department of Social Services
700 Governors Drive
Pierre, South Dakota 57501-2291

Supplemental Nutrition Assistance Program (SNAP) – South Dakota Request to Waive Able-Bodied Adults Without Dependents Time Limit – Partial Approval

Dear Mr. Mayer:

This is in response to the South Dakota State agency's August 2, 2019, request to waive the SNAP time limit for able-bodied adults without dependents in 9 areas from October 1, 2019, through September 30, 2020. After careful review of the requested areas and supporting data, the Food and Nutrition Service (FNS) is partially approving the State agency's request.

FNS is approving South Dakota to waive the time limit in 8 of the requested areas for a 12-month period. These areas meet the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

The South Dakota State agency also requested to waive the time limit in the Standing Rock Reservation areas of Corson County and Dewey County based on the two counties' aggregate average unemployment rates for the 24-month period of May 2017 through April 2019. Readily available data for the Standing Rock Reservation areas within Corson County and Dewey County show the Standing Rock Reservation's average unemployment rate for the allowable 24-month period was not at least 20 percent above the national average for the same recent 24-month period. The State agency's request does not meet the requirements for approval provided at 7 CFR 273.24(f) and relevant Food and Nutrition Service (FNS) guidance. Therefore, FNS is denying the State's request to waive the time limit as requested. If the State has additional data available that would make a waiver request for Standing Rock Reservation approvable, FNS will consider revising this response.

The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval. Please contact your FNS Regional Office with any questions.

As you may be aware, FNS has proposed regulations that would strengthen the standards by which areas can qualify for these waivers so that the statutory ABAWD work requirement is applied more broadly. The rule, once finalized, could change the qualifying areas and approval period for this waiver.

FNS also reminds the State agency that it must measure the 3-year period and track ABAWDs on a continuous basis, even in areas under a waiver. The State must continue tracking so that the State will be ready to transition off-of the waiver when it expires and reintroduce the time limit.

Moving forward, FNS will be taking actions to support the Administration's priority to provide able-bodied Americans a path to self-sufficiency. This goal requires that we establish a clear and mutual commitment to moving SNAP participants to meaningful employment.

Sincerely,

Sasha Gersten-Paal
Chief
Certification Policy Branch
Program Development Division

Able-Bodied Adults Without Dependents (ABAWD) Waiver Response

1. **Serial Number:** 990047
2. **Request Type:** Extension
3. **Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
4. **Regulatory Citation:** 7 CFR 273.24
5. **State:** South Dakota
6. **Food and Nutrition Service (FNS) Region:** Mountain Plains
7. **Requirement:** Section 6(o) of the Food and Nutrition Act of 2008 and regulations at 7 CFR 273.24 provide that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) as a member of any household if the individual received program benefits for more than 3 months during any 3-year period in which the individual was subject to but did not comply with the ABAWD work requirement. Section 6(o) and 7 CFR 273.24 also provide that, upon the request of the State agency, the Secretary may waive the applicability of the 3-month ABAWD time limit 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. **Requested Area(s) and Support:** The South Dakota State agency requested to waive the ABAWD time limit in a total of nine areas from October 1, 2019, through September 30, 2020. The State agency supported its request based upon these areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of May 2017 through April 2019. During this time period the national average unemployment rate was 4.0 percent; 20 percent above that rate is 4.8 percent. The aggregate average unemployment rates for the eight approvable areas were at least 4.8 percent during the same time period (areas listed below in Table 1).

Table 1: Reservation Areas (American Community survey and Bureau of Labor Statistics Data May 2017-April 2019)

Reservations	Unemployment Rate
1. Cheyenne River Reservation	7.9%
2. Crow Creek Reservation	7.5%
3. Flandreau Reservation	6.0%
4. Lake Traverse Reservation	6.5%
5. Lower Brule Reservation	11.6%
6. Pine Ridge Reservation	8.9%
7. Rosebud Indian Reservation	7.8%
8. Yankton Reservation	4.8%
Data extracted from http://www.bls.gov and http://factfinder.census.gov on August 7, 2019.	

- 9. FNS Action and Justification:** FNS is approving the State agency's request to waive the ABAWD time limit in 8 areas because it meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.
- 10. Authority:** The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).
- 11. Implementation Date:** October 1, 2019
- 12. Expiration Date:** September 30, 2020
- 13. Information Required for Amendment or Extension:** To receive an amendment or extension the State agency must provide FNS with a formal request supported by data or other information as described in 7 CFR 273.24(f). Any request based upon unemployment rates must include data spreadsheets and supporting documentation.
- 14. State Agency Contact Information:**
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- 15. FNS Regional Office Contact Information:**
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