



United States Department of Agriculture

Food and
Nutrition
Service

1320
Braddock
Place

Alexandria
VA, 22314

September 29, 2022

Amy Gorham
SNAP Program Administrator
Department of Social Services
Division of Economic Assistance
700 Governors Drive
Pierre, South Dakota 57501-2291

RE: SNAP – South Dakota Request to Waive Able-Bodied Adults Without Dependents Time Limit – Initial – Partial Approval

Dear Administrator Gorham:

This is in response to the South Dakota State agency's recent request to waive the SNAP time limit for able-bodied adults without dependents (ABAWDs) in nine reservation areas. The attached waiver response includes the approved areas, the supporting evidence used, and the conditions of approval.

The State agency submitted an initial request on August 19, 2022, to waive the time limit in nine reservation areas. On September 22, 2022, the State agency submitted a revised request that included additional data and analysis to further demonstrate a lack of sufficient jobs in each reservation area.

States must submit data that relies on standard Bureau of Labor Statistics (BLS) data or methods to support waiver requests based on unemployment rates or labor force data. Although, the U.S. Bureau of Labor Statistics (BLS) produces robust unemployment and labor force data for all U.S. counties and county-equivalents, BLS does not produce that data specific to reservation areas or other tribal lands. While other data sources exist for tribal lands, they are limited and published relatively infrequently. Based on these factors, the State agency provided available unemployment data from the U.S. Census Bureau's American Community Survey (ACS), which produces a limited data for the requested areas. The State also provided and employment-to-population ratios using a combination of BLS and ACS datasets. Additionally, the State agency provided numerous articles and publications on the lack of sufficient jobs in South Dakota reservation areas. FNS reviewed the multiple datasets provided by the State carefully and holistically.

FNS has determined that the combination of supporting data provided by the State agency sufficiently demonstrates a lack of sufficient jobs in Flandreau Reservation, Lower Brule Reservation, Pine Ridge Reservation, Cheyenne River Reservation, Crow Creek Reservation, Rosebud Reservation, Standing Rock Reservation, and Yankton Reservation. FNS approves the State's request to waive the time limit in those eight reservation areas. FNS denies the State agency's request to waive the time limit in Lake Traverse Reservation.

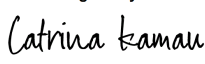
Amy Gorham

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FNS reminds the State agency that the Families First Coronavirus Response Act (FFCRA) continues to temporarily and partially suspend the ABAWD time limit nationwide. While the suspension remains in place, only ABAWDs who are offered a slot in a work or workfare program, including a SNAP Employment & Training (E&T) program, are subject to the time limit.

In addition, FNS 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 the waiver when it expires and reintroduce the time limit. Please contact your Regional Office representative with any questions.

Sincerely,

DocuSigned by:

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Catrina Kamau

Chief

Certification Policy Branch

Program Development Division

Enclosure

Enclosure

**ABLE-BODIED ADULTS WITHOUT DEPENDENTS (ABAWD)
WAIVER RESPONSE**

- 1. Request Type:** Initial
- 2. Statutory Citation:** Section 6(o) of the Food and Nutrition Act of 2008
- 3. Regulatory Citation:** 7 CFR 273.24
- 4. State:** South Dakota
- 5. Food and Nutrition Service (FNS) Region:** Mountain Plains
- 6. 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.
- 7. Requested Area(s) and Support:**

The State agency requested to waive the ABAWD time limit in nine reservation areas from October 1, 2022, to September 30, 2023. The State agency's initial, August 19, 2022, request made a distinction between Northern Cheyenne River Reservation and Cheyenne River Reservation. The revised September 22, 2022, request did not make a distinction between those areas and instead includes them both as the Cheyenne River Reservation. Additionally, the revised request includes Lake Traverse Reservation.

The State agency supported its request for three of the reservation areas based upon the areas having an aggregate average unemployment rate 20 percent above the national average for the 24-month period of August 2020 through July 2022. During this period, the national average unemployment rate was 5.3 percent; 20 percent above that rate is 6.3 percent. The average unemployment rate for the requested areas was 7.4 percent or greater during the 24-month period.

Enclosure 2

Table 1: 3 Reservation Areas (American Community Survey and Bureau of Labor Statistics Data August 2020 – July 2022)

Reservations	Unemployment Rate
1. Flandreau Reservation	15.1%
2. Lower Brule Reservation	11.9%
3. Pine Ridge Reservation	7.4%
Data extracted from https://www.bls.gov and https://data.census.gov on September 26, 2022	

For the other six requested reservation areas, the State agency leveraged the regulations at 273.24(f)(2)(ii), which allow the State agency to support a claim of lack of sufficient jobs with an array of evidence including, but not limited to, employment-to-population ratios; lack of jobs in declining occupations or industries; descriptions in academic studies or other publications; and unemployment rate data. The State agency provided employment-to-population ratios which are consistently lower than the national average for each year in the 2017 through 2021 period for five of the reservation areas, excluding Lake Traverse Reservation. The State agency also provided the latest U.S. Census Bureau's American Community Survey (ACS) 5-year unemployment rates estimates which are over two times higher than the national average for five of the reservation areas, excluding Lake Traverse Reservation. The State agency also provided numerous articles and publications on the lack of sufficient jobs in the reservation areas and the impact of the COVID-19 pandemic on reservation areas. FNS has determined that the combination of supporting data provided by the State agency sufficiently demonstrates a lack of sufficient jobs in five of the reservation areas, Cheyenne River Reservation, Crow Creek Reservation, Rosebud Reservation, Standing Rock Reservation, and Yankton Reservation. FNS denies the State agency's request to waive the time limit in Lake Traverse Reservation because the data provided by the State does not sufficiently demonstrate a lack of sufficient jobs in that area.

Table 2: 5 Reservation Areas (American Community Survey and Bureau of Labor Statistics Data 2017 – 2021)

Reservations	Annual Average Employment-to-Population Ratios				
	2017	2018	2019	2020	2021
1. Cheyenne River Reservation	48.9%	48.5%	48.6%	57.4%	57.6%
2. Crow Creek Reservation	50.6%	50.3%	48.7%	49.3%	51.0%
3. Standing Rock Reservation	44.1%	43.9%	44.1%	47.1%	49.0%
4. Rosebud Reservation	49.1%	48.7%	47.2%	48.5%	48.4%
5. Yankton Reservation	50.5%	50.7%	49.5%	48.6%	51.2%
6. Lake Traverse Reservation	59.1%	59.4%	59.1%	59.9%	60.4%
<i>United States (National Average)</i>	<i>60.1%</i>	<i>60.4%</i>	<i>60.8%</i>	<i>56.8%</i>	<i>58.4%</i>
Data from https://www.bls.gov and https://data.census.gov on September 26, 2022					

Enclosure 3**Table 3: 5 Reservation Areas (American Community Survey 2016 – 2020)**

Reservations	Unemployment Rate
1. Cheyenne River Reservation	24.7%
2. Crow Creek Reservation	20.6%
3. Standing Rock Reservation	23.9%
4. Rosebud Reservation	13.0%
5. Yankton Reservation	10.7%
6. Lake Traverse Reservation	6.7%
<i>United States (National Average)</i>	<i>5.4%</i>
Data extracted from https://data.census.gov on September 26, 2022	

8. FNS Action and Justification: FNS is approving the State agency's request to waive the ABAWD time limit. The State agency's request meets the requirements for approval provided at 7 CFR 273.24(f) and relevant FNS guidance.

9. Authority: The waiver is approved pursuant to section 6(o) of the Food and Nutrition Act of 2008 and 7 CFR 273.24(f).

10. Implementation Date: October 1, 2022

11. Expiration Date: September 30, 2023

12. Information Required to Submit a Modification, Extension, or New Waiver: To receive a modification, extension, or submit a new waiver to replace the current waiver, 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.

13. State Agency Contact Information:

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14. FNS Regional Office Contact Information:

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