MAR 14 2002

970129

SUBJECT: FSP - Missouri - Request to Waive 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: Allen Nickels, Director
Food Stamp Program
Mountain Plains Region

This is in response to your memorandum of January 17, 2002, forwarding the Missouri State Agency's request for an extension and modification of waiver no. 970129. In our initial review of the State's waiver request, we determined that the criteria used by the State agency for several areas (10 percent above the national average for a 24-month period) was not sufficient to justify exemptions based insufficient jobs. In response to our findings, the State agency submitted an amended extension via fax on February 13, 2002. Under the amended extension, residents of 35 counties and one city would be exempt from the work requirement of Section 6(o) of the Food Stamp Act based on insufficient jobs, as indicated by an unemployment rate 20 percent above the national average for the 24-month period ending September 30, 2001 (the original criteria for those counties), while an additional five counties would be exempt based unemployment rate data for the period ending November 30, 2001.

Our response partially approving the waiver is attached. If you have any questions, please contact Larry Tropp of my staff at (703) 305-2437.

Arthur Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus (PDB)
Mike DePiro (OANE)
All Regions (except MPRO)
Civil Rights

FINAL:USDA:FNS:FSP:PDD:CPB:LTROPP:03-13-02:jas
File: I:Waivers:970129 2002 ext:LTropp

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ODAM		3/13/02			
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WAIVER RESPONSE

1. **Waiver serial number:** 970129

2. **Type of request**: Extension

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**: Missouri

6. **Region**: MPRO

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; 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 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 State agency is requesting an extension and modification of its current waiver for individuals who reside in areas that do not have a sufficient number of jobs to provide employment for individuals subject to Section 824 of the PRWORA.

   Under the requested extension and modification of the waiver residents of the City of St. Louis and the following counties would be exempt from the work requirement of Section 6(o) of the Act based on unemployment greater than 20 percent above the national average for the 24-month period from October 1999

through September 2001: Benton, Butler, Carter, Clark, Caldwell, Dallas, Dent, Douglas, Dunklin, Hickory, Iron, Linn, Macon, Madison, Miller, Mississippi, Monroe, New Madrid, Pemiscot, Pulaski, Reynolds, Ripley, St. Francois, Shannon, Shelby, Stoddard, Stone, Taney, Texas, Washington, Wayne, Worth, and Wright. In its amended request the State agency added Bollinger, Morgan, Bates, Caldwell, and Chariton Counties based on their unemployment rates for the 2-year period ending November 30, 2001. Although the latter three had unemployment rates slightly below the 5.2 percent threshold for a waiver based on unemployment greater than 20 percent above the national average for the period, the State agency believes that they should be included in this waiver based on a trend of rising unemployment.

9. **Action and reason for approval or denial:** We are approving the State agency's request to exempt residents of the areas listed in the following table. With the exception of Bollinger and Morgan Counties, all of the areas experienced unemployment greater than 20 percent above the national average for the 24-month period ending September 30, 2001. The national average unemployment rate for the period was 4.2 percent. The threshold for waivers for that period is 5.0 percent (20 percent over the 4.2 percent average. The waivers for Bollinger and Morgan Counties were based on the average unemployment rate for the 24-month period ending December 31, 2001 (this differs slightly from the State's revised request which used data for the period ending November 30, 2001).

County or City	LSA	Average Unemployment Rate (10/99 – 9/2001)
Benton	Yes	6.8%
Butler	No	5.1%
Carter	No	5.4%
Clark	No	5.4%
Crawford	No	5.6%
Dallas	No	6.2%
Dent	Yes	6.7%
Douglas	No	6.6%
Dunklin	No	5.5%
Hickory	Yes	7.4%
Iron	Yes	6.9%
Linn	Yes	7.4%
Macon	No	6.5%
Madison	Yes	6.6%
Miller,	No	5.2%
Mississippi,	No	6.5%
Monroe	No	5.5%
New Madrid	No	5.9%
Pemiscot	Yes	7.4%
Pulaski	Yes	5.9%
Reynolds	Yes	8.5%
Ripley	No	5.7%
St. Francois	Yes	6.5%
Shannon	No	5.4%

County or City	LSA	Average Unemployment Rate (10/99 – 9/2001)
Shelby	No	6.2%
Stoddard	No	5.3%
Stone	Yes	8.4%
Taney	Yes	6.7%
Texas	Yes	6.4%
Washington	Yes	7.5%
Wayne	Yes	9.0%
Worth	No	5.4%
Wright	No	6.7%
St. Louis City	Yes	6.6%
Bollinger	No	5.6% (1/2000 – 12/2001)
Morgan	No	5.3% (1/2000 – 12/2001)

We are denying the State agency's request for Bates, Caldwell, and Chariton Counties since their unemployment rates do not exceed 20 percent above the national average (5.2 percent) for the 24-month period ending November 30, 2001, the period selected by the State. The counties also failed to qualify based on the unemployment rate for the period ending December 31, 2001. The State agency may want to exempt the individuals in those counties using its authority under Section 1001 of the Balanced Budget Act, which permits State agencies to exempt from the time limits of Section 6(o) up to 15 percent of its "covered individuals." For more information regarding this exemption authority, please refer to our February 9, 1998, guidance.

10. **Regulatory or legislative basis for action**: This 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 does not have a sufficient number of jobs to provide employment for the individuals.

11. **Conditions and reasons**: N/A

12. **Information required for extension:** For those areas which are exempt based on an insufficient number of jobs, please submit supporting unemployment data that relies on standard BLS data and/or methods.

13. **Expiration date**: This waiver is extended for one year, and will expire on February 28, 2003. Approval is retroactive March 1, 2002.

14. **Limitation on regional office approval of like requests:** This waiver is limited to the Missouri State Agency.

15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.

16. **Date of national office action**:

17. **Date of State agency's request**: December 27, 2001 (amended request submitted via fax February 14, 2002)

18. **Date of regional office transmittal of response to State agency**: