

FEB 1 1999

970090

SUBJECT: FSP - Montana - 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: Allan C. Nickels, Regional Director
Food Stamp Program
Mountain Plains Region

This is in response to the Montana State Agency's request of December 29, 1998, to extend and modify the subject waiver 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. Under the extension and modification all counties designated as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor would be exempt from the requirements of Section 6(o) of the Act, based on insufficient jobs. Counties currently exempt under waiver no. 970089, which is based on unemployment rates greater than 10 percent, would be included in the extension of this waiver since they are all designated LSAs.

We are approving the State agency's request for an extension of the subject waiver, under which residents of Anaconda/Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Lake, Lincoln, Mineral, Musselshell, Phillips, Roosevelt, Rosebud, and Sanders Counties would continue to be exempt from the provisions of Section 6(o) of the Act.

Our response to the waiver request 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: Joseph Pinto, John Knaus, Joe Shea, Maurice Tracy, All Regions (except MPRO)
Civil Rights, CPB (circulate), Mike DePiro, OAE, Fran Heil

FINAL:FCS:FSP:PDD:LTropp::final:3/5/98::FINAL:1/29/99:va

FILE: ABAWDs

DIR: I:970090 (1999 EXT.).mem

Symbol	Surname	Date	Symbol	Surname	Date
PDD 110	M. Ball	1/29/99			
PDD 110	T. Tropp	2/7/99			

Waiver Response

1. **Waiver serial number:** 970090
2. **Type of request:** Extension and Modification
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:** Montana
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 waiver no. 970090. Under the proposed extension residents of several counties would continue to be exempt from the provisions of Section 6(o) on the basis of insufficient jobs as indicated by the designation of the counties as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor. The State agency is not requesting an extension of waiver no. 970089, which excluded residents of several counties based on unemployment greater than 10 percent, but is instead proposing to include the all of the counties currently excluded on that basis in this waiver since they have all been designated as LSAs.

The following counties are included in the extension and modification:
Anaconda/Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Lake, Lincoln,
Mineral, Musselshell, Phillips, Roosevelt, Rosebud, and Sanders.

9. **Action and reason for approval or denial:** We are approving the State agency's waiver as requested. Under the extension and modification, residents of Anaconda/Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Lake, Lincoln, Mineral, Musselshell, Phillips, Roosevelt, Rosebud, and Sanders Counties would continue to be exempt from the provisions of Section 6(o) on the basis of insufficient jobs as indicated by the designation of the counties as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor.
10. **Regulatory or legislative basis for action:** This waiver, as modified above, 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.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit recent data which relies on BLS data and methods that indicates counties which have unemployment rates over 10 percent, or which supports an exemption for counties which have insufficient jobs.
13. **Expiration date:** This waiver is approved for a 1 year period ending February 28, 2000.
14. **Limitation on regional office approval of like requests:** These waivers are limited to the Montana State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with these waivers.
16. **Date of national office action:**
17. **Date of State agency's request:** December 29, 1998