

MAR 11 1999

970146

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 January 22, 1999, to extend and modify its current 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 for residents of six Indian Reservations.

Please note that the State agency mailed its request directly to this office. Please remind the State agency to send future requests through your office.

Our response to the waiver request is attached. If you have any questions, please contact James A. Walsh of my staff at 703-305-2531.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Maurice Tracy, All Regions, Civil Rights, CPB (circulate)
Mike DePiro, OAE, Fran Heil

FINAL:FCS:FSP:PDD:Jwalsh:FINAL:3/9/99:va

FILE: ABAWDs

DIR: I:970146(EXT).MEM

Symbol	Surname	Date	Symbol	Surname	Date
PDD	Walsh	3/9/99			
PDD	Ignacio	3/10/99			

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Waiver Response

1. **Waiver serial number:** 970146
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 of waiver #970146, under which residents of the Blackfeet, Crow, Fort Belknap, Fort Peck, Northern Cheyenne, and Rocky Boy Indian Reservations are exempt from the provisions of Section 6(o) of the Act. The State agency forwarded 1997 Indian Service Population and Labor Force Estimates for the six eligible reservations. The documentation was provided by the U. S. Department of Interior, Bureau of Indian Affairs, Billings office. The current waiver includes the residents of the Flathead Indian Reservation but the State agency is not including that reservation in the request for an extension since they have not received the 1997 data from the Bureau of Indian Affairs for that reservation. The State agency did request whether it was possible to extend the waiver for the Flathead Indian Reservation until the data was available.

9. **Action and reason for approval or denial:** We are approving the State agency's request to extend the current exemptions for all of the Indian Reservations included in the request. Approval for the Fort Belknap (located in Blaine and Phillips Counties) and Northern Cheyenne (located in Big Horn and Rosebud Counties) Indian Reservations is based on the fact that all the counties in which these reservations are located are Labor Surplus Areas for 1999. Approval for the Blackfeet, Crow, Fort Peck, and Rocky Boy Reservations is based on unemployment rates in excess of 10 percent for each of the reservations. The unemployment rate was calculated through the use of census share ratios as indicated in the following table. The unemployment rate as calculated through the use of census share data is indicated in the table by **bold type**. As indicated above, the State agency did not request a waiver for the Flathead Indian Reservation at this time because it did not have the necessary data. However, based on the available information shown below that we were able to get, the Flathead Indian Reservation does not qualify for a waiver nor can we extend the waiver without any additional data. If the State agency can furnish us with additional data, we will then give further consideration to a waiver for the Flathead Indian Reservation.

Montana Census-Share Unemployment Data

			EMP	UMP	UR
Blackfeet	GLACIER	5694	4876	818	14.4
			0.531545	0.829586	
	PONDERA	3375	3198	177	5.2
			0.051481	0.42268	
Est EMP, UMP, UR			2758	753	21.5
Crow	BIG HORN	5264	4790	474	9
			0.423922	0.729979	
	YELLOWSTONE	70389	67290	3099	4.4
			0.002356	0.003862	
Est EMP, UMP, UR			2189	358	14.1
Flathead	FLATHEAD	38453	35406	3047	7.9
			0	0	
	LAKE	11348	10509	839	7.4
			0.884978	0.861214	
	MISSOULA	52465	50233	2232	4.3
			0.008135	0.004846	
	SANDERS	4106	3669	437	10.6
			0.170533	0.087227	
Est EMP,UMP,UR			10335	771	6.9

Ft. Peck	DANIELS	1331	1294	37	2.8
			0.036715	0	
	ROOSEVELT	4146	3767	379	9.1
			0.822814	0.921753	
	SHERIDAN	2170	2069	101	4.7
			0.032831	0.068966	
	VALLEY	4490	4293	197	4.4
			0.109362	0.415888	
Est EMP, UMP, UR			3685	438	10.6

Rocky Boy	CHOUTEAU	2848	2758	90	3.2
			0.003794	0.034884	
	HILL	9288	8718	570	6.1
			0.039995	0.281198	
Est EMP, UMP, UR			359	163	31.3

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, or does not have a sufficient number of jobs to provide employment for individuals residing in the area.
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 retroactive to March 1, 1999, and is approved for a 1 year period ending February 29, 2000.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Montana 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:** January 22, 1999.
18. **Date of regional office transmittal to the national office:**