

MAR 30 1998

970125

SUBJECT: FSP - North Dakota - 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 North Dakota State Agency's request for a 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. This section limits the receipt of food stamp benefits to 3 months within a 3-year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare.

Our response is attached. We are approving a waiver for individuals residing in the counties of Benson, Mountrail and Rolette based on their designation as Labor Surplus Areas. If you have any questions, please contact Moira Johnston of my staff at (703) 305-2515.

Signed

Arthur T. Foley
Director
Program Development Division

Attachments

cc: Joseph Pinto Bob Dalrymple - OAE
John Knaus Mike Depiro - OAE
Maurice Tracy Civil Rights
Joe Shea All Regions (except MARO)

FCS:FSP:PDD:CPB:MJohnston:DRAFT:3/25/98:Final:3/27/98:va
DIR: I:CPB:970125/970125 - Memo

Symbol	Surname	Date	Symbol	Surname	Date
PDD	Maglin	3/27			
PDD/110	W. B. K. O.	3/27/98			
PDD/110	J. Knaus	3/30/98			

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Waiver Response

1. **Waiver serial number:** 970125
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:** North Dakota
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 two waivers, 970116 and 970125. Waiver number 970116 exempted individuals residing in Benson and Rolette Counties from the time limits of Section 6(o) of the Food Stamp Act based on the fact that these areas had unemployment rates over 10 percent. Waiver number 970125 exempted individuals residing in Mercer, Mountrail and Pembia Counties from the time limit based on the fact that these areas were identified by the Employment and Training Administration (ETA) as being Labor Surplus Areas (LSAs).

Of these five counties, only three currently meet criteria that qualify them for exemptions: Rolette, Benson, and Mountrail. The State agency believes that these counties qualify for an exemption based on the fact that they have been designated as LSAs by the ETA.

9. **Action and reason for approval or denial:** The State agency submitted a list from the ETA which identifies Rolette, Benson and Mountrail as being LSAs. Based on this information, we are modifying number 970125 to include Rolette and Benson Counties and extending it for Mountrail County. Waiver number 970116 will no longer exist as none of the counties originally exempted under this waiver number continue to meet the criteria of unemployment over 10 percent.
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 has an unemployment rate over 10 percent or insufficient jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting data which indicates these areas have insufficient jobs.
13. **Expiration date:** This waiver is extended for a period of 1 year and it expires on March 31, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the North Dakota 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:** November 25, 1998.
18. **Date of regional office transmittal of response to State agency:** March 2, 1998