

APF 4 2003

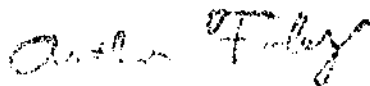
970125

SUBJECT: FSP - North Dakota - Request to Extend Waiver of 7 CFR 273.24

TO: Allan C. Nickels, Director
Food Stamp Program
Mountain Plains Region

This is in response to your memorandum of March 13, 2003, forwarding the North Dakota State Agency's request for an extension of its current waiver of 7 CFR 273.24. 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 partially approving the State's request is attached. If you have any questions, please contact Larry Tropp of my staff at (703) 305-2504.



Arthur T. Foley
Director
Program Development Division

Attachments

cc: PAD-SAB w/Attachment
PAD- QCB w/Attachment
FNS National Arbitrator w/Attachment
All Regions except MWRO

FINAL:USDA:FNS:FSP:PDD:CPB:LTROPP:4-3-03:jas
FILE:I:CPB:Waivers:970125 - 2003 Extension:Ltropp

Symbol	Surname	Date	Symbol	Surname	Date
PDD	SP	4/3/03			
PD-700	P. W. W.	4/13/03			

OFFICIAL RECORD COPY

WAIVER RESPONSE

1. **Waiver serial number:** 970125
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** None
5. **State:** North Dakota
6. **Region:** MPRO
7. **Regulatory Requirements:** Under 7 CFR 273.24(b) an individual shall not 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.

Under 7 CFR 273.24(f)(3)(ii), FNS will be approve State agency waiver requests of the work requirements of 7 CFR 273.24(b) for residents of an area when FNS confirms that the area has been designated as a Labor Surplus Area (LSA) by the Employment and Training Administration (ETA) of the Department of Labor.
8. **Description of proposed alternative procedures:** The State agency is requesting an extension of its current waiver for Rolette, Benson, Mountrail, and Sioux Counties. All four counties were designated a LSAs for fiscal year (FY) 2002 by ETA, and, according to the State agency, have been designated as LSAs for FY 2003.
9. **Action and reason for approval or denial:** We approving the State agency's request to exclude residents of Benson and Rolette Counties from the work requirements of 7 CFR 273.24. Based on our review of the ETA Notice on LSA designation for FY 2003 (published on February 4, 2003, at 68 FR 5748) only Benson, Rolette, and Sheridan Counties are designated LSAs for FY 2003. The State agency has indicated that it is not seeking a waiver for Sheridan County and that it will use its 15 percent exemption authority under 7 CFR 273.24(g) to exclude residents of Mountrail and Sioux Counties from the work requirements.

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 enough jobs to provide employment for the individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting data that indicates these areas have unemployment rates greater than 10 percent or have insufficient jobs.
13. **Expiration date:** This waiver is extended for a period of one year and will expire on March 31, 2004.
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:** February 25, 2003
18. **Date of regional office transmittal of response to State agency:**