

970138

SUBJECT: FSP—Utah - 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, Director
Food Stamp Program
Mountain Plains Region

This is in response to the Utah State Agency's December 9, 1997, and January 13, 1998, requests to modify and extend its 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.

If you have any questions, please contact Hayes Brown of my staff at 703-305-2805.

Arthur T. Foley
Director
Program Development Division

Attachment

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

FCS:FSP:PDD:CPB:HayesBrown:DRAFT:1/14/98:FINAL:1/20/98:va
DIR: 970138 ext memo/response

Waiver Response

1. **Waiver serial number:** 970138
2. **Type of request:** Modification & 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:** Utah
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 Utah State Agency is requesting: to remove Carbon and Piute Counties from the areas covered by the waiver, to exempt individuals residing in Grand County, on the basis of insufficient jobs, and to make this modification retroactive to December 1, 1997. The State agency has defined areas with “insufficient jobs” to mean geographic areas that have been designated by the Federal Government as Labor Surplus Areas (LSAs). In addition, the State agency is requesting to extend the waiver for a period of 2 years, expiring on November 30, 1998.

9. **Action and reason for approval or denial:** We are approving a modification of waiver no. 970138 to remove Carbon and Piute Counties from the waiver and, based on insufficient jobs, add Grand County to the areas covered by the waiver. We are also approving a limited extension of the waiver, based on insufficient jobs. Accordingly, waiver no. 970138 covers the following counties: Duchesne, Emery, Garfield, Grand, Kane, San Juan, and Uintah.
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 of over 10 percent or an insufficient number of jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting data indicating a lack of sufficient jobs.
13. **Expiration date:** This modification and extension of waiver No. 970138 is approved for a period of 1 year, retroactive to December 1, 1997, and expires on November 30, 1998. We are not approving waivers of this type for a period of more than 1 year because labor markets fluctuate and may change significantly within a year.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Utah State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** December 9, 1997/January 13, 1998.
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**