

JAN 21 1999

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 November 18, 1998, request to 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.

Please remind the State agency to submit extension requests earlier in the future to avoid any lapses in coverage.

If you have any questions, please contact Dan Woodhead of my staff at 703-305-2501.

Arthur Foley

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

FNS:FSP:PDD:CPB:DWoodhead:DRAFT:1/13/99:REDRAFT:1/15/99:final:1/19/99:va
DIR: 970138, 99 UT ext memo

Symbol	Surname	Date	Symbol	Surname	Date
PDD	Woodhead	1/19/99			
CPB	Smith	1/19/99			
PDD	Dalrymple	1/20/99			

OFFICIAL RECORD COPY

Waiver Response

1. **Waiver serial number:** 970138
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:** 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 State agency is asking to exempt individuals living in Duchesne, Emery, Garfield, Grand, Kane, San Juan, and Uintah Counties from the provisions of section 6(o) of the Food Stamp Act as modified by section 824 of the PRWORA, on the basis that there are insufficient jobs in those counties, as shown by their designation by the Federal Government as Labor Surplus Areas (LSAs). The State agency cited the U.S. Department of Labor's August 1998 publication, Area Trends, as evidence that the seven counties are LSAs. It asked that the waiver take effect December 1, 1998.

9. **Action and reason for approval or denial:** We are approving an extension of the waiver for six of the counties, based on insufficient jobs. The list of LSAs included in Area Trends was for Fiscal Year 1998. The list of LSAs for FY 1999 includes six of the seven counties listed as LSAs in FY 1998, but does not include Kane County. Accordingly, the extension of waiver no. 970138 for FY 1999 covers the following counties: Duchesne, Emery, Garfield, Grand, 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, 1998, and expires on November 30, 1999. The exemption of Kane County is extended until the end of February 1999. The Utah State agency asked for an extension of waiver No. 970138 (which included Kane County) prior to the expiration of the waiver. The additional time will give the State agency time to notify recipients in Kane County of the loss of the exemption, or to develop additional data to justify a further extension for the county.
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:** November 18, 1998.
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**