

MAR 4 1998

970032, 970063, 970153, and 970164

SUBJECT: FSP - Washington - 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

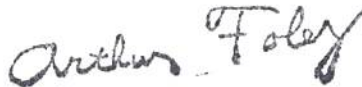
TO: Dennis Stewart, Regional Director  
Food Stamp Program  
Western Region

This is in response to the Washington State Agency's December 30, 1997, request to modify and extend its waivers 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.

During our review of this request, we were concerned about the age of the data submitted by the State agency. To reflect current labor markets, employment data should cover the most recent 12-month period for which data is available. For waiver no. 970153, the State agency used 1995 Bureau of Indian Affairs (BIA) data; along with several documents lacking source and date information. Although 1997 BIA data is not yet available, other sources of data are available to the State agency. For instance, the Bureau of Labor Statistics (BLS) has approved a methodology to calculate unemployment rates for Indian reservations using census-share data and 12 months of employment data. Attached is LAUS Technical Memorandum No. S-97-19, which outlines this methodology and contains the census-share ratios for Indian reservations nationwide.

Our response contains two exceptions to full approval of the State agency's request. The first excludes Richland City in Benton County from the areas covered by waiver no. 970063. The second limits waiver no. 970153 to a 6-month extension period for four Indian reservations where no current data was available to support their approval. In addition to our response, a spreadsheet with our calculations of unemployment data for Indian reservations is attached for your information.

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



Arthur T. Foley  
Director  
Program Development Division

Attachments

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

FCS:FSP:PDD:CPB:HayesBrown:DRAFT:2/10/98:final2/26/98:va  
DIR: I:CPB:970032 et al memo/response

## Waiver Response

1. **Waiver serial number:** 970032, 970063, 970153, and 970164
2. **Type of request:** Modification and 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:** Washington
6. **Region:** WRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, 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 Washington State Agency requests to exempt individuals residing in seven counties from the work requirement provision of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, based on an unemployment rate over 10 percent in those areas.

The State agency also requests to exempt individuals residing in 17 counties, 4 cities, and 26 Indian reservations, based on insufficient jobs. 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), areas where unemployment exceeds the national unemployment rate by 20 percent or more over the previous two calendar years, and Indian reservations with employment-to-population ratios significantly below the state average.

9. **Action and reason for approval or denial:** In its request, the State agency included Richland City as part of Benton County. The most recent list of LSAs specifically excludes Richland City from its designation of Benton County as an LSA. Consequently, we have excluded Richland City from the approved waiver.

The data submitted to support waiver no. 970153 is from 1995 and does not reflect current labor markets. We utilized methodology approved by BLS to calculate unemployment rates for 21 reservations using census-share data and October 1996 - September 1997 employment data. Using this data along with the areas designated as LSAs, we were able compiled documentation to support granting a waiver for 22 of the 26 reservations in the State agency's request. We are limiting the waiver extension to 6 months for the reservations with no current data to support their approval. A new Indian Service Population and Labor Force Estimates Report is due out from the Bureau of Indian Affairs in May 1998. For the 4 reservations with limited approval, the State agency may submit at any time more current data to support extending the waiver for an entire year.

We are approving a modification and extension of waiver no. 970032, based on unemployment rates that exceed 10 percent, and modifications and extensions of waiver nos. 970063, 970153, and 970164, based on insufficient jobs, for individuals residing in the following areas:

| <b>970032</b><br>(10% Unemploy.)<br><i>expires 3/31/99</i>                      | <b>970063</b><br>(Insufficient Jobs)<br><i>expires 3/31/99</i>                                                                                                                         | <b>970153</b><br>(Insufficient Jobs)<br><i>expires 3/31/99</i>                                                                                                                                                              | <b>970164</b><br>(Insufficient Jobs)<br><i>expires 3/31/99</i> |
|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| <b>COUNTIES</b>                                                                 | <b>COUNTIES</b>                                                                                                                                                                        | <b>RESERVATIONS</b>                                                                                                                                                                                                         | <b>COUNTIES</b>                                                |
| Adams<br>Columbia<br>Franklin<br>Grays Harbor<br>Okanogan<br>Skamania<br>Yakima | Benton<br>except Richland City<br>Chelan<br>Clallam<br>Cowlitz<br>Douglas<br>Grant<br>Jefferson<br>Kittitas<br>Lewis<br>Mason<br>Pacific<br>San Juan<br>Skagit<br>Wahkiakum<br>Whatcom | Chehalis<br>Colville<br>Hoh<br>Jamestown S'Klallam<br>Kalispell<br>Lower Elwha Klallam<br>Lummi<br>Makah<br>Nooksack<br>Quileute<br>Quinault<br>Shoalwater Bay<br>Skokomish<br>Spokane<br>Nisqually<br>Port Gamble S'Kallam | Walla Walla<br>Kitsap                                          |

|                                                                |                                                                                         |
|----------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| <b>970063</b><br>(Insufficient Jobs)<br><i>expires 3/31/99</i> | <b>970153</b><br>(Insufficient Jobs)<br><i>expires 3/31/99</i>                          |
| <b>CITIES</b>                                                  | <b>RESERVATIONS</b>                                                                     |
| Bremerton<br>Everett<br>Tacoma<br>Walla Walla                  | Sauk-Suiattle<br>Squaxin Island<br>Stillaguamish<br>Swinomish<br>Upper Skagit<br>Yakama |
|                                                                | <b>RESERVATIONS<br/>with 6-Mo. Extension</b><br><i>expires 9/30/98</i>                  |
|                                                                | Muckleshoot<br>Puyallup<br>Suquamish<br>Tulalip                                         |

10. **Regulatory or legislative basis for action:** These waivers are 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:**
12. **Information required for extension:** Please submit supporting unemployment data that relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs.
13. **Expiration date:** Waivers nos. 970032, 970063, and 970164 are approved for a period of 1 year and expire on March 31, 1999. Approval is retroactive to January 1, 1998 for waiver no. 970032 and to February 1, 1998 for waiver no. 970063. Waiver no. 970153 is approved for a period of 1 year and expires on March 31, 1999, except for the Muckleshoot, Puyallup, Suquamish, and Tulalip Reservations, which are approved for a period of 6 months that expires on September 30, 1998.

**14. Limitation on regional office approval of like requests:** This waiver is limited to the Washington State Agency.

**15. Quality Control Procedures:** N/A

**16. Date of national office action:**

**17. Date of State agency's request:** December 30, 1997.

**18. Date of regional office transmittal of response to State agency:**

**19. Actual implementation date:**