

NOV 4 1998

970153

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 your memorandum of October 7, 1998, forwarding the Washington State Agency's 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.

The State agency is requesting an extension of its waiver for the Muckleshoot Reservation (located in King and Pierce Counties), the Puyallup Reservation (also located in King and Pierce Counties), the Tualip Reservation (located in Snohomish County), and the Suquamish Reservation (located in Kitsap County). In a memorandum dated March 4, 1998, we approved a 6 month extension of the waiver for the above-mentioned reservations based on 1995 data from the Bureau of Indian Affairs (BIA) indicating low employment to population ratios for the affected reservations. The State agency has requested extension of the waiver through March 31, 1999, based on the previously submitted BIA data indicating the low employment to population ratios. Both our office and the State agency have contacted the BIA, which has advised us that the compilation and distribution of labor force data that it usually collects and publishes has been delayed. In view of the delay, we are approving the State agency's request to extend waiver number 970153 for the Muckleshoot, Puyallup, Tualip and Suquamish Reservations through March 31, 1999, based on the previously provided BIA employment data. The expiration date corresponds with the expiration date of the other reservations exempt under the same waiver.

The waiver summary approving the State agency's request is attached. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.



Arthur T. Foley
Director
Program Development Division

Attachment

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:LTropp:final:11/3/98:va
DIR: I:CPB:Waivers/970153memo

Waiver Response

1. **Waiver serial number:** 970153
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:** 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 is requesting an extension of its waivers for residents of the Muckleshoot Reservation (located in King and Pierce Counties), the Puyallup Reservation (also located in King and Pierce Counties), the Tualip Reservation (located in Snohomish County), and the Suquamish Reservation (located in Kitsap County). The State agency is requesting an extension based on unemployment to population ratios derived from 1995 employment data from the Bureau of Indian Affairs (BIA) since more recent BIA data is not currently available.

9. **Action and reason for approval or denial:** We are approving the State agency's request for an extension of this waiver to exempt residents of the Muckleshoot, Puyallup, Tualip, and Suquamish Reservations from the requirements of Section 6(o) of the Act through March 31, 1999. In a memorandum dated March 4, 1998, we approved an extension for these reservations based on low employment to population ratios for calendar year 1995 using source data from the Bureau of Indian Affairs (BIA). An extension was approved for a 6 month period ending September 30, 1998, based on the assumption that BIA would be providing updated labor force data for Indian reservations prior to the September 30, 1998, expiration date. Since the data is not currently available we are extending the waiver for the four reservations included in this request through March 31, 1999, to coincide with the expiration date for the other reservations included in the waiver.
10. **Regulatory or legislative basis for action:** We are approving the State agency's request because the data does support an exemption for residents of the reservations based on either unemployment greater than 10 percent or insufficient jobs.
11. **Conditions and reasons:**
12. **Information required for extension:** NA
13. **Expiration date:** Waiver no. 970135 for residents of the Muckleshoot, Puyallup, Tualip and Suquamish Reservations is approved through March 31, 1999. Approval is retroactive to October 1, 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:** September 11, 1998.
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**