

JUN 10 1999

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: David H. Bailey, Acting Regional Director
Food Stamp Program
Western Region

This is in response to Michael L. Denton's memorandum of April 9, 1999, 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.

With the exception of the Tulalip Reservation, located in Snohomish County, we are approving the extension as requested by the State agency. The waiver summary, which contains a detailed explanation of our decision regarding the Tulalip Reservation as well as our approval of the balance of the waiver, is attached. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: SAB-PAD, John Knaus, Maurice Tracy, Retha Oliver, Bob Dalrymple - OAE
Mike DePiro - OAE, Civil Rights, All Regions (except WRO)

FCS:FSP:PDD:CPB:LTropp:final:6/8/99:va
DIR: I:CPB:Waivers/970153memo 1999 extension

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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 Chehalis, Colville, Hoh, Jamestown S'Klallam, Kalispel, Lower Elwha, Lummi, Makah, Nisqually, Nooksack, Port Gamble S'Kallam, Puyallup, Quileute, Quinault, Sauk-Suiattle, Shoalwater Bay, Skokomish, Spokane, Squaxin Island, Stillaguamish, Suquamish, Swinomish, Tulalip, Upper Skagit, and Yakama Reservations. Depending on labor market conditions on each reservation, the State agency is requesting the extension based on an unemployment rate greater than 10 percent; Labor Surplus Area (LSA) designation by the Employment and Training Administration of the Department of Labor; or employment to population ratios derived from 1998 employment data from the Bureau of Indian Affairs (BIA).

9. **Action and reason for approval or denial:** With the exception of the Tulalip Reservation in Snohomish County, we are approving the State agency's request to extend the exemptions for all of the reservations listed in the table below. As indicated in the chart, all of the reservations with the exception of the Tulalip located in Snohomish County and the Muckleshoot located in King County, are located in counties otherwise exempt based on unemployment rates greater than 10 percent or designation as LSAs, or have employment to population ratios below 50 percent based on data from the BIA for 1998. Although it does not qualify for an exemption based on the three preceding criteria, we have determined that the Muckleshoot Reservation qualifies for an exemption based on insufficient jobs as indicated by an average unemployment rate greater than 20 percent above the national average for calendar years 1997 and 1998. The 2-year average unemployment rate for the reservation, calculated through the use of census share ratios, was 5.8 percent, compared with a national average of approximately 4.7 percent over the same period. The reservation's rate exceeded the cutoff of 120 percent of the national average (5.6 percent) for that period.

We are approving an exemption for the Suquamish reservation located in Kitsap County. Although the reservation does not qualify for an exemption based on any single criterion, we are granting an exemption granted based on the totality of circumstances affecting the reservation. Although Kitsap County itself is not an LSA, Bremerton, its principle city where the majority of jobs in the county are located, is a designated LSA. The reservation is not located within the city of Bremerton, however it is part of the Bremerton Primary Metropolitan Statistical Area (PMSA), which includes the entire county. The average unemployment rate for the county/PMSA was 5.3 percent for 1998, 5.5 percent for 1997, and 6.8 percent for 1996. This compares with the 1997/1998 national average of 4.7 percent and the recently released national unemployment rate of 4.2 percent. Additionally, the reservation's employment to population ratio was 52 percent based on recent 1998 BIA data. Although this is slightly above our normal cutoff of 50 percent, it is still considerably below the national average of 64.2 percent. Finally, the 1998 BIA data indicate an unemployment rate of 46.7 percent for the reservation. Although we are unable to use unemployment data from the BIA as the sole criterion for approving or denying exemptions from the work requirements of Section 6(o) of the Act, it is a factor that we may consider.

We have elected not to approve a exemption for the Tulalip Reservation, located in Snohomish County, since it does not qualify based on any of our normal criteria. The county, except for the City of Everett (not part of the reservation), is not a designated LSA. The unemployment rate for the county was 3.4 percent in 1997 and 3.2 percent in 1998. The 2-year average unemployment rate for the reservation, calculated through census ratios was 4.0 percent for the period, and its employment to population ratio based on the most recent data from the BIA was 56 percent, well above our normal cutoff of 50 percent. If the State agency is

able to provide additional data supporting an exemption for the Tulalip Reservation, we will reconsider our decision denying the extension for the reservation.

Reservations Exempt Based on Location Within Counties with Unemployment Greater Than 10%		Reservations Exempt Based on Location Within Counties Designated As Lsas		Reservations Exempt Based on Low Employment to Population Ratios		Exemption Based on Unemployment Greater than 20% Above the National Average	
Reservation	County	Reservation	County	Reservation	Employment to Population ratio	Muckleshoot (qualifies based on an averaged unemployment rate for 1997 and 1998 of 5.8% calculated through census share ratios. Rate is greater than 120% of the national average (5.6%).	
Colville	Okanogan	Chehalis	Grays Harbor	Chehalis	47.76%		
Kallispel	Pend Orielle	Colville	Ferry	Nisqually	21.58%		
Yakama	Klickitat/ Yakima	Jamestown S'Klallam	Clallam	Port Gamble S'Kallam	44%		
		Lower Elwha	Clallam	Puyallup	22%		
		Lummi	Whatcom	Stillaguamish	48%		
		Makah	Clallam	Suquamish	52% (also based on additional data)		
		Nooksack	Whatcom				
		Quilecute	Clallam				
		Quinalt	Grays Harbor				
		Sauk-Suiattle	Skagit				
		Shoalwater Bay	Pacific				
		Skokomish	Mason				
		Spokane	Stevens				
		Squaxin Island (Mason)	Mason				
		Upper Skagit	Skagit				

10. **Regulatory or legislative basis for action:** We are approving the State agency's request based data indicating either unemployment greater than 10 percent or insufficient jobs.

11. **Conditions and reasons:**
12. **Information required for extension:** NA
13. **Expiration date:** This waiver is approved through April 31, 2000. Approval is retroactive to March 1, 1999. In order to provide the State agency with time to either apply the work provisions of Section 6(o) of the Act, or to develop new data which may support an exemption for the Tulalip Reservation, we are granting a temporary extension of the waiver through July 31, 1999, for that reservation.
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:** March 31, 1999
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**