



MPFS-300:FS 10-1-1

FEB 19 2002

Hank Hudson
Division Administrator
Human and community Services Division
Department of Public Health and Human Services
P.O. Box 202952
Helena, Montana 59620-2952

Dear Mr. Hudson:

Please refer to your November 5, 2001 letter, requesting an extension of Waiver Nos. 970090 and 970146. Under these waivers of Section 273.24(f)(1)(i) of the Regulations, individuals in certain areas are exempt from the Able-Bodied Adults Without Dependents (ABAWD) provisions.

Enclosed is the response to your request. The following counties have been exempted as Labor Surplus Areas:

Anaconda-Deer Lodge	Mineral
Big Horn	Mussellshell
Blaine	Phillips
Flathead	Richland
Glacier	Roosevelt
Granite	Rosebud
Lake	Sanders
Lincoln	Wheatland

Golden Valley and Ravalli Counties have been exempted based on an unemployment rate greater than 20 percent above the national average. All of the above counties are covered under Waiver No. 970090.

The seven Indian Reservations are exempt from the ABAWD provisions based on unemployment greater than 10 percent, with the exception of the Flathead Reservation. The Flathead Reservation qualifies for an exemption based on an unemployment rate greater than 20 percent above the national average. The Indian Reservations are covered under Waiver No. 970146.

The waivers are approved for a period of 1 year and will expire on February 28, 2003. If a further extension is requested, the request and supporting data must be submitted to this office no later than December 31, 2002.

Hank Hudson

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If we may be of any assistance, Kathie Herrman may be contacted at (303) 844-0347 or by e-mail at kathie.herrman@fns.usda.gov.

Sincerely,

**Original Signed by
Allan C. Nickels**

ALLAN C. NICKELS
Regional Director
Food Stamp Program

Enclosure

cc: Karlene Grossberg, Bureau Chief, Public Assistance Bureau, Human and Community Services Division, Department of Public Health and Human Services, Helena, Montana
Jill Nelson, Food Stamp Policy Supervisor, Human and Community Services Division, Department of Public Health and Human Services, Helena Montana
Carol Jorgensen, Acting Bureau Chief, Audit and Compliance Bureau, Quality Assurance, Department of Public Health and Human Services, Helena, Montana
bcc: ✓ Arthur T. Foley, Director, Program Development Division, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia
Lynnae Bright, OIC, FNS Field Office, Helena, Montana
Thomas Tinnin, Senior Program Specialist, Quality Control Unit, FSP, MPRO
Martha Prince, Program Technician, Program Operations Section, FSP, MPRO

Waiver Response

1. **Waiver serial number:** 970090 and 970146
2. **Type of request:** Extension and Modification
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, Public Law 104-193.
4. **Secondary regulation citation:**
5. **State:** Montana
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), Public Law 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 Montana State Agency is requesting a waiver of the time limit for individuals residing in 18 counties under the insufficient jobs criteria (waiver no. 970090), and seven Indian Reservations also based on insufficient jobs (waiver no. 970146). Sixteen of the counties included in this request are designated as Labor Surplus Areas (LSAs) for fiscal year 2002. The designated LSAs include Anaconda-Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Granite, Lake, Lincoln, Mineral, Mussellshell, Phillips, Richland, Roosevelt, Rosebud, Sanders, and Wheatland. Under this waiver extension, Golden Valley and Ravalli Counties, which were previously exempt based on LSA designation, will be exempt based an unemployment rate greater than 20 percent above of the national average, our secondary indicator of insufficient jobs.

The State agency is also requesting an extension of its current waiver, exempting residents of the Blackfeet, Flathead, Fort Belknap, Crow, Fort Peck, Northern Cheyenne and Rocky Boys reservations. Although all of the reservations, with the exception of the Flathead reservation, would qualify for exemptions based on unemployment greater than 10 percent, the State agency's request is based solely on insufficient jobs as indicated by an unemployment rate greater than 20 percent above the national average for calendar years 1999 and 2000

9. **Action and reason for approval or denial:** We are approving the State agency's request in its entirety. Residents of Anaconda-Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Granite, Lake, Lincoln, Mineral, Mussellshell, Phillips, Richland, Roosevelt, Rosebud, Sanders, and Wheatland Counties will continue to be exempt from the work requirement of Section 6(o) of the Act based on the designation of the respective counties as LSAs. Residents of Golden Valley and Ravalli Counties, which were previously exempt based on LSA designation, will be exempt based on an unemployment rate greater than 20 percent above of the national average, our secondary indicator of insufficient jobs. We are also extending the exemptions for residents of all the reservations included in waiver no. 970146. As indicated in the table below, all of the reservations, with the exception of the Flathead reservation, qualify for exemptions based on unemployment greater than 10 percent. The Flathead reservation continues to qualify for an exemption based on insufficient jobs as indicated by an unemployment rate greater than 20 percent above the nation average for the last two calendar years.

Reservation	1999	2000	2-year average	US 2-year average	20% above	Meets Criteria
Flathead	5.9%	5.8%	5.9%	4.1%	4.9%	Yes
Blackfeet Agency	22.1%	19.8%	21.0%	4.1%	4.9%	Yes
Fort Belknap Agency	22.9%	19.3%	21.1%	4.1%	4.9%	Yes
Crow Agency	14.9%	21.5%	18.2%	4.1%	4.9%	Yes
Fort Peck Agency	10.7%	10.8%	10.8%	4.1%	4.9%	Yes
Northern Cheyenne Agency	18.7%	20.7%	19.7%	4.1%	4.9%	Yes
Rocky Boys Agency	28.8%	27.0%	27.9%	4.1%	4.9%	Yes

10. **Regulatory or legislative basis for action:** Waiver no. 970090 and waiver no 970146 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 over 10 percent or does not have a sufficient number of jobs to provide employment for individuals residing in the area.

11. **Conditions and reasons:** N/A

12. **Information required for extension:** Please submit recent data that relies on BLS data and methods that indicates counties or Indian Reservations which have unemployment rates over 10 percent, or which supports an exemption for counties or Indian Reservations which have insufficient jobs.
13. **Expiration date:** These waivers are approved through February 28, 2003.
14. **Limitation on regional office approval of like requests:** These waivers are limited to the Montana State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with these waivers.
16. **Date of national office action:**
17. **Date of State agency's request:** November 5, 2001
18. **Date of regional office transmittal to the national office:** November 26, 2001 (initial request); January 16, 2002 (revised request)

FEB 2002

970090 and 970146

SUBJECT: FSP - Montana - 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, Regional Director
Food Stamp Program
Mountain Plains Region

This is in response to the Montana State Agency's request to extend and modify 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. Under its original request, transmitted through a memorandum from your office dated November 26, 2001, the State agency asked for an extension of the waiver no. 970090, which exempted residents of eighteen counties designated as Labor Surplus Areas (LSAs) for FY 2001 by the Employment and Training Administration of the Department of Labor (DOL), from the requirements of Section 6(o) of the Act based on insufficient jobs. The State agency based its request on the 2001 list of LSAs, since at the time of the request, DOL had not yet published its list of areas designated as LSAs for FY 2002.

The list of areas designated as LSAs for FY 2002 was published in the Federal Register on December 31, 2001. To reflect changes in the list of designated LSAs, the State agency revised its request. Under the revised request, transmitted to our office via fax on January 16, 2002, 16 counties would continue to be excluded based on their designation, as LSAs while an additional two counties, previously exempt based on LSA designation for FY 2001, would be excluded based on an unemployment rate greater than 20 percent above the national average for a recent 24-month period. Under waiver no. 970146, seven Indian Reservations would continue to be exempt based on insufficient jobs.

Our response approving the State agency's requests for extensions of both waivers 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: PAD, John Knaus, Maurice Tracy, All Regions (except MPRO)
Civil Rights, CPB (circulate), Fran Heil

FCS:FSP:PDD:Ltropp:final:01/31/02
FILE: ABAWDs
DIR: I:970090 (2002 EXT.)..mem

Label	Surname	Date	Symbol	Surname	Date
PDD	L. Tropp	1/31/02			
PDD-100	P. Wan	1/31/02			

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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 Montana State Agency is requesting a waiver of the time limit for individuals residing in 18 counties under the insufficient jobs criteria (waiver no. 970090), and seven Indian Reservations also based on insufficient jobs (waiver no. 970146). Sixteen of the counties included in this request are designated as Labor Surplus Areas (LSAs) for fiscal year 2002. The designated LSAs include Anaconda-Deer Lodge, Big Horn, Blaine, Flathead, Glacier, Granite, Lake, Lincoln, Mineral, Mussellshell, Phillips, Richland, Roosevelt, Rosebud, Sanders, and Wheatland. Under this waiver extension, Golden Valley and Ravalli Counties, which were previously exempt based on LSA designation, will be exempt based on an unemployment rate greater than 20 percent above of the national average, our secondary indicator of insufficient jobs.

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