

August 2, 2007

970090 and 970146

SUBJECT: Montana Able-bodied Adults Without Dependents (ABAWD) Waiver  
of 7 CFR 273.24

TO: Jody Cornwell, Director  
Food Stamp Program  
Mountain Plains Region

This is in response to your memorandum of June 21, 2007, transmitting the Montana State agency's request to modify and extend its waiver which exempts certain individuals from the work requirements of 7 CFR 273.24 based on insufficient jobs. The State based its determination of insufficient jobs on Census 2000 and U.S. Department of Labor data.

Our response approving the State's request is attached. If you have any questions, please contact Vicky Robinson at [vicky.robinson@fns.usda.gov](mailto:vicky.robinson@fns.usda.gov) or at (703) 305-2476.

/s/

Harriet Kornegay  
Assistant Chief  
Certification Policy Branch

Attachment

cc: All Regions (except MPRO)  
Bob Dalrymple OAE  
John Knaus  
Civil Rights

FINAL:FNS:FSP:PDD:CPB:VROBINSON:vw:07/12/07:  
DIR:I:CPB:WAIVERS:FY2007:970090 and 970146 MT ABAWD mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

## WAIVER RESPONSE

1. **Waiver serial number:** 970090 and 970146
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:**
5. **State:** Montana
6. **Region:** Mountain Plains
7. **Regulatory requirements:** 7 CFR 273.24 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; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) 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. **Proposed alternative procedures:** Under waiver number 970090, the Montana State Agency is requesting to continue to exempt individuals residing in the three economic areas of Billings, Great Falls, and Missoula. The State modified its waiver request by removing the counties of Fallon and Toole, and by removing the economic area of Helena which included the counties of Deer Lodge and Powell. The State then added Powder River County to the economic area of Billings and Pondera County to the economic area of Great Falls. Based on data obtained from the Bureau of Labor Statistics, each of the following areas has an aggregate average unemployment rate (UER) of at least 20 percent above the national average of 5.3 percent, or 6.3 percent, for the 24-month period of February 2004 through January 2006:

### National Unemployment Rate (UER):

Labor Force	Unemployed	UER	20 percent
3,563,680,000	187,342,000	5.3	6.3

**Sub-region of Billings Economic Area**

<b>County</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Big Horn	125,856	10,760	
Golden Valley	12,667	599	
Musselshell	51,171	2,700	
Petroleum	5,566	280	
Powder River	22,497	841	
Prairie	13,497	623	
Rosebud	100,889	5,550	
Treasure	9,993	428	
Wibaux	12,373	427	
<b>Total</b>	<b>354,509</b>	<b>22,208</b>	

**Sub-region of the Great Falls Economic Area**

<b>County</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Glacier	143,664	10,733	
Liberty	21,527	894	
Pondera	65,845	3,316	
<b>Total</b>	<b>231,036</b>	<b>14,943</b>	

**Sub-region of the Missoula Economic Area**

<b>County</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Lake	281,419	15,183	
Lincoln	186,999	16,244	
Mineral	47,070	2,692	
Sanders	111,879	7,012	
<b>Total</b>	<b>627,367</b>	<b>41,131</b>	

In addition, the State wishes to continue its ABAWD waiver for Roosevelt County based on having an average unemployment rate of at least 20 percent above the national average for the 24-month period of February 2004 through January 2006:

<b>County</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Roosevelt	98,927	6,278	<b>6.3</b>

Under waiver number 970146, the State agency used Census 2000 and BLS data to exempt individuals residing on the reservations of Fort Belknap, Fort Peck, and Rocky Boy based on having unemployment rates at least 20 percent above the national average of 4.85 percent, or 5.8 percent, for the 24-month period of January 2005 through December 2006 as follows:

**National Unemployment Rate (UER):**

<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>	<b>20 percent</b>
3,608,975,000	175,094,000	<b>4.85</b>	<b>5.8</b>

<b>Reservation</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Fort Belknap, Blaine County part	20,650	1,814	<b>8.8</b>
Fort Belknap, Phillips County part	1,099	249	<b>22.6</b>
Fort Peck, Daniels County part	708	0	<b>0.0</b>
Fort Peck, Roosevelt County part	78,540	5,575	<b>7.1</b>
Fort Peck, Sheridan County part	967	79	<b>8.1</b>
Fort Peck, Valley County part	10,122	983	<b>9.7</b>
Rocky Boy, Hill County part	16,972	1,966	<b>11.6</b>

Although the Fort Peck Reservation part of Daniel's County does not have high unemployment, the State agency has requested to include them as part of its waiver request because the majority of Fort Peck's population resides in Roosevelt County and Roosevelt County has an average unemployment rate of 20 percent above the national average.

- 9. Justification for request:** To ensure the equitable distribution of food stamp benefits in areas experiencing high unemployment.
- 10. Action and reason for approval or denial:** We are approving the State agency's request in full with changes specified herein. First, because the Reservation area of Fort Peck, Roosevelt County is part of Roosevelt County, it does not have to have a separate approval. Second, we find the State's reasoning to include the Fort Peck Reservation part of Daniels County somewhat flawed because the State agency did not show that the area, on its own, had an unemployment rate of at least 20 percent above the national average for the applicable time period of January 2005 through December 2006. Unless the State agency had combined the areas of Fort Peck, Daniels County with Fort Peck, Roosevelt County, it does not matter if the majority of unemployed individuals live in Roosevelt County.

Therefore, we grouped the parts of Fort Peck that were not already approved into one area to show that the combined area had an unemployment rate of 20 percent above the national average of 4.85 percent, or 5.8 percent, for the 24-month period of January 2005 through December 2006 as follows:

<b>Reservation</b>	<b>Labor Force</b>	<b>Unemployed</b>	<b>UER</b>
Fort Peck, Daniels County part	708	0	
Fort Peck, Sheridan County part	967	79	
Fort Peck, Valley County part	10,122	983	
<b>Fort Peck Area</b>	<b>11,798</b>	<b>1,062</b>	<b>9.0</b>

In addition, our records have been amended to reflect the prior waiver approval period of May 1, 2006 through July 31, 2007 as requested.

11. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.
12. **Conditions and reasons:** None.
13. **Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24.
14. **Expiration date:** As requested, the waiver is approved for one year, effective August 1, 2007 through July 31, 2008.
15. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Montana State agency.
16. **Quality control procedures:** N/A
17. **Date of national office action:** July 25, 2007
18. **Date of State agency's request:** June 21, 2007
19. **Date of regional office's transmittal of request to national office:** June 21, 2007
20. **Date of regional office transmittal of response to State agency:**
21. **Actual implementation date:**