

FEB

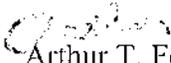
970125

SUBJECT: FSP - North Dakota - Request to extend 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

TO: Allan C. Nickels, Director
Food Stamp Program
Mountain Plains Region

This is in response to your memorandum of January 23, 2002, which contained the North Dakota State Agency's request for an extension and modification of the current waiver of Section 6(o) of the Food Stamp Act, as amended by Section 824 of 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.

Our response is attached. If you have any questions, please contact Patricia Maggi of my staff at (703) 305-2476.


Arthur T. Foley
Director
Program Development Division

Attachments

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

FILE:I:CPB:Waivers:970125 - 2002 extension:Pmaggi:01-29-02:final:1/31/02

Symbol	Signature	Date	Symbol	Signature	Date
	<i>P. Maggi</i>	1/31/02			
PPP-100	<i>P. Maggi</i>	1/31/02			
	<i>PM</i>	1-31			

OFFICIAL RECORD COPY

Waiver Response

1. **Waiver serial number:** 970125
2. **Type of request:** Extension
3. **Primary regulation citation:** Section 6(o) of the Food Stamp Act, as amended by Section 823 of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1006, P.L. 104-193
4. **Secondary regulation citation:** None
5. **State:** North Dakota
6. **Region:** MPRO
7. **Regulatory Requirements:** Section 6(o) of the Food Stamp Act, as amended by Section 824 of 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) 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:** In 2001, Benson, Mountrail and Sioux Counties were approved under waiver 970125 based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor for Fiscal Year 2001. Rolette County was approved under waiver 2010049, which covers counties with unemployment rates greater than 10 percent.

The State agency is now requesting an extension and modification of this waiver for individuals residing in the Counties of Benson, Rolette, Mountrail, and Sioux for the following reasons:

- Rolette County - Average annual unemployment: 13.1 percent.
- Benson County -- Average annual unemployment: 7.95 percent, which is higher than the national average of 4.0 percent.
- Mountrail County - Average annual unemployment: 6.25 percent, which is 20 percent higher than the national average of 4.0 percent.
- Sioux County -- Average annual unemployment: 6.8 percent, which is 20 percent higher than the national average of 4.0 percent.

If Rolette can be included in waiver 970125, North Dakota will rescind waiver 2010049.

- 9. Action and reason for approval or denial:** Benson, Mountrail, Rolette and Sioux Counties are designated as Labor Surplus Areas (LSAs) for Fiscal Year 2002 by the Employment and Training Administration of the Department of Labor. Although an average unemployment rate of 20 percent above the national average or an unemployment rate above 10 percent are acceptable ways to establish insufficient jobs, designation as a LSA is our primary indicator of insufficient jobs. We are, therefore, approving for one year the State agency's request to exempt individuals residing in Benson, Mountrail, Rolette, and Sioux counties from the requirements of Section 6(o) of the Food Stamp Act based on their designation as LSAs rather than on the data the State agency provided. All four counties are approved under waiver # 970125. We are rescinding waiver 2010049, which no longer applies to Rolette County.
- 10. Regulatory or legislative basis for action:** This waiver is 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 does not have enough jobs to provide employment for the individuals.
- 11. Conditions and reasons:** N/A
- 12. Information required for extension:** Please submit supporting data that indicates these areas have unemployment rates greater than 10 percent or have insufficient jobs.
- 13. Expiration date:** This waiver is extended for a period of 1 year and will expire on March 31, 2003.
- 14. Limitation on regional office approval of like requests:** This waiver is limited to the North Dakota State Agency.

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15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** January 23, 2002
18. **Date of regional office transmittal of response to State agency:**



MPFS-300:FS 10-1-1

FEB 19 2002

Arlene Dura
Acting Food Stamp Director
Energy and Nutrition Division
Department of Human Services
600 East Boulevard Avenue, Department 325
Bismarck, North Dakota 58505-0250

Dear Ms. Dura:

Please refer to your January 4, 2002 letter, requesting an extension and modification of Waiver No. 970125. Under this waiver 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. All four counties (Benson, Mountrail, Rolette, and Sioux) have been approved for the ABAWD exemption based on their designation as Labor Surplus Areas. All four counties are approved under Waiver No. 970125; therefore, we are rescinding Waiver No. 2010049 because it no longer applies to Rolette County.

This waiver is extended for a period of 1 year and will expire on March 31, 2003. If a further extension is requested, the request and supporting data must be submitted to this office no later than January 31, 2003.

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,

ALLAN C. NICKELS
Regional Director
Food Stamp Program

Enclosure

cc: Brenda Holzworth, Director, Quality Control Division, Department of Human Services, Bismarck, North Dakota
bcc: ✓ Arthur T. Foley, Director, Program Development Division, Food Stamp Program, Food and Nutrition Service, USDA, Alexandria, Virginia
Sharron Lasher, OIC, FNS Field Office, Bismarck, North Dakota
Thomas Tinnin, Senior Program Specialist, Quality Control Unit, FSP, MPRO
Martha Prince, Program Technician, Program Operations Section, FSP, MPRO

Waiver Response

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Section 6(o) 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.
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10. **Regulatory or legislative basis for action:** This waiver is 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 does not have enough jobs to provide employment for the individuals.
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