

970086, 970148, and 970149

SUBJECT: FSP - Arizona - 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 the Arizona State Agency's February 3, 1998, requests to modify and extend its 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. 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. Please note that because waiver no. 970086 was originally designated for areas with unemployment that exceeds 10 percent, we consolidated the State agency's requests for areas with insufficient jobs under waiver no. 970148. Our response is attached.

Although Camp Verde Reservation no longer qualifies based on unemployment in excess of 10 percent, the reservation could qualify for an exemption based on the category of "insufficient jobs." In accordance with our March 10, 1997, guidance, the reservation may qualify for an exemption if it has an average unemployment rate for the prior 24 months that is 20 percent higher than the national average. The State agency may also exempt the individuals in this area by using its authority under Section 1001 of the Balanced Budget Act, which permits State agencies to exempt from the time limits of Section 6(o) up to 15 percent of its "covered individuals." For more information regarding this exemption authority, please refer to our February 9, 1998, guidance.

If you have any questions, please contact Hayes Brown of my staff at 703-305-2805.

Arthur T. Foley
Director
Program Development Division

Attachment

cc:	Joseph Pinto	Bob Dalrymple - OAE
	John Knaus	Mike Depiro - OAE
	Maurice Tracy	Civil Rights
	Joe Shea	All Regions (except WRO)

FCS:FSP:PDD:CPB:HayesBrown:DRAFT:3/4/98:final:3/6/98:va
DIR: I:CPB:970148 & 970149 ext memo/response

Waiver Response

1. **Waiver serial number:** 970086, 970148, and 970149
2. **Type of request:** Modification and 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:** Arizona
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 Arizona State Agency requests to exempt individuals residing in 11 counties, excluding 2 cities, from the work requirement provision of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, on the basis of insufficient jobs. The State agency has defined areas with “insufficient jobs” to mean geographic areas that have been designated by the Federal Government as Labor Surplus Areas (LSAs).

The State Agency also requests to exempt individuals residing in 5 Indian reservations, on the basis that there is an unemployment rate of over 10 percent in those areas.

9. **Action and reason for approval or denial:** We are approving a modification and extension of waiver no. 970148, based on insufficient jobs, and a modification and extension of waiver no. 970149, based on unemployment rates that exceed 10 percent, for individuals residing in the following areas:

970086 (10% Unemployment) <i>expired 2/28/98</i>	970148 (Insufficient Jobs) <i>expires 2/28/99</i>	970149 (10% Unemployment) <i>expires 2/28/99</i>
	COUNTIES	RESERVATIONS
	Apache Cochise Coconino (excluding Flagstaff) Gila Graham Greenlee La Paz Mohave (excluding Lake Havasu) Navajo Santa Cruz Yuma	Gila River Pascua Yaqui Salt River San Carlos Apache Tohono O' Odham

10. **Regulatory or legislative basis for action:** These waivers 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 of over 10 percent or an insufficient number of jobs.

11. **Conditions and reasons:**

12. **Information required for extension:** Please submit supporting unemployment data that relies on standard BLS data and/or methods and data indicating a lack of sufficient jobs.

13. **Expiration date:** Waiver nos. 970148 and 970149 are approved for a period of 1 year and expire on February 28, 1999. Waiver no. 970086 expired February 28, 1998; the counties previously approved under that waiver are now approved under waiver no. 970148.

14. Limitation on regional office approval of like requests: These waivers are limited to the Arizona State Agency.

15. Quality Control Procedures: N/A

16. Date of national office action:

17. Date of State agency's request: February 3, 1998

18. Date of regional office transmittal of response to State agency:

19. Actual implementation date: