

APR 23 1999

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: Michael L. Denton, Acting Regional Director
Food Stamp Program
Western Region

This is in response to Dennis Stewart's memorandum of March 23, 1999, forwarding the Arizona State Agency's request of February 19, 1999, 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. Our response approving the State agency's request 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 Bob Dalrymple - OAE David Super - CBPP
John Knaus Mike Depiro - OAE Retha Oliver
Maurice Tracy - Civil Rights
Joe Shea All Regions (except WRO)

FCS:FSP:PDD:CPB:Ltropp:Final:ebw:04/22/99
DIR: I:CPB:970148 & 970149 1999 ext memo

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CPB	<i>[Signature]</i>	4/23/99			
EDM	<i>[Signature]</i>	4/23/99			

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Waiver Response

1. **Waiver serial number:** 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 is requesting an extension and modification of waiver no. 970148, under which individuals residing in 11 counties, including two partial counties, are exempt 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 Employment and Training Administration of the Department of Labor as Labor Surplus Areas (LSAs). Under the modification Coconino County, which was previously approved as a partial county LSA, will be exempt in its entirety since the whole county is now a designated LSA.

The State Agency is also requesting an extension and modification of waiver number 970149, under which individuals residing in 5 Indian reservations are exempt from the work requirements of Section 6(o) of the Act based on an unemployment rate greater than 10 percent in those areas. Under the extension residents of three reservations would continue to be exempt. Since the San Carlos Apache Reservation located within two counties designated as LSAs, it is no longer listed separately. The Salt River Reservation which was exempt under last year's extension no longer qualifies for an exemption based on unemployment greater than 10 percent as indicated by the most recent available data.

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, as indicated in the following table:

970148 (Insufficient Jobs- LSA designation) <i>expires 3/31/2000</i>	970149 (10% Unemployment) <i>expires 3/31/2000</i>
COUNTIES	RESERVATIONS
Apache	Gila River (18.7%)
Cochise	Pascua Yaqui (22.3%)
Coconino (including Flagstaff)	Papago /Tohono O' Odham (13.7%)
Gila	
Graham	
Greenlee	
La Paz	
Mohave (excluding Lake Havasu City)	
Navajo	
Santa Cruz	
Yuma	

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:** NA

12. **Expiration date:** Waivers no. 970148 and 970149 are approved for a period of 1 year, retroactive to March 1, 1999 and will expire on March 31, 2000.
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 19, 1999
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**