

970161 and 970162

SUBJECT: FSP - Idaho - 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, Director
Food Stamp Program
Western Region

This is in response to the Idaho State Agency's request for an extension of waivers #970161 and #970162, which exempted individuals residing in a number of Indian Reservations from the work requirement for able-bodied adults without dependents.

Our response is attached. You will note that we placed the request to extend the waiver for the residents of the Nez Perce Reservation and the Fort Hall Reservation under Waiver #270161, based on unemployment which exceeds 10 percent. If you have any questions, please contact James A. Walsh of my staff at 703-305-2531.

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Joe Shea, Maurice Tracy, All Regions (except WRO), Civil Rights
CPB (circulate)

FNS:FSP:PDD:JWalsh:final:2/10/98:va
FILE: ABAWDS
DIR: I:970161ext - Memo

970162

SUBJECT: FSP - Idaho - 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, Director
Food Stamp Program
Western Region

This is in response to the Idaho State Agency's request for an extension of waiver no. 970162, which exempts individuals residing in the Duck Valley Indian Reservation from the work requirement of Section 6(o) of the Food Stamp Act. In a memorandum dated February 12, 1998, we extended the exemption for residents of the Reservation for a 6-month period ending August 31, 1998. The extension was limited to 6 months rather than one year based on the lack of recent data indicating insufficient jobs on the reservation. The most recent data available from the Bureau of Indian Affairs (BIA) was for calendar year 1995. The State agency has now provided data from the State Department of Labor indicating unemployment greater than 20 percent above the national average for a 2-year period.

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
Director
Program Development Division

Attachment

cc: John Knaus, Joe Shea, Maurice Tracy, All Regions (except WRO), Civil Rights
CPB (circulate)

FNS:FSP:PDD:LTROPP:FINAL:7/14/98:va
FILE: ABAWDS
DIR: I:Waivers/970162ext - Memo

Waiver Response

1. **Waiver serial number:** 970162
2. **Type of request:** 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:** Idaho
6. **Region:** WRO
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), P. L. 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 State agency is requesting an extension to its waiver for food stamp recipients residing on the Duck Valley Indian Reservation. The waiver for this reservation, which expires on August 31, 1998, was approved based on insufficient jobs on the reservation as indicated by a low employment to population ratio for calendar year 1995, using data provided by the Bureau of Indian Affairs (BIA). We limited the extension to 6 months based on the age of the BIA data. Although more recent BIA data is not available, the State agency has now provided data indicating an unemployment rate greater than 20 percent above the national average for a 2-year period.

9. **Action and reason for approval or denial:** We are approving the State agency's request for an extension of its waiver exempting residents of the Duck Valley Reservation based on insufficient jobs on the reservation.

According to the Idaho Department of Labor, the average unemployment rate for the Duck Valley Reservation for the 24-month period running from April 1996 through March 1998 was 9.3 percent. Since this rate is significantly greater than 20 percent above the national average of 5.02 percent for the same period, the reservation qualifies for an exemption based on insufficient jobs for the area.

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 has an unemployment rate over 10 percent or has insufficient jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** For an area which is exempt based on 10 percent unemployment, please submit supporting unemployment data which relies on standard BLS data and/or methods. For reservations which are exempt based on insufficient jobs, please submit data which indicates that the reservation or the county in which it is located has insufficient jobs.
13. **Expiration date:** The waiver for is extended through February 28, 1999, which coincides with the expiration date of the other reservations included in waiver no. 970162.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Idaho State Agency.
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:** June 4, 1998
18. **Date of regional office transmittal of response to State agency:**