

JAN 15 1999

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. If you have any questions, please contact
James A. Walsh of my staff at 703-305-2531.

Signed

Arthur T. Foley
Director
Program Development Division

Attachment

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

FNS:FSP:PDD:JWalsh:final:1/14/99:va
FILE: ABAWDS
DIR: I:970161-2ext - Memo

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ppnw	Walsh	1/14/99			

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Waiver Response

1. **Waiver serial number:** 970161 and 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 waivers for food stamp recipients residing on the Coeur d'Alene, Nez Perce, Fort Hall, Kootenai, and Duck Valley Reservations.
9. **Action and reason for approval or denial:** Waiver #970161: The State agency requested an extension of the waivers for Idaho Food Stamp participants who reside in the Coeur d'Alene Reservation, the Nez Perce Reservation and

the Fort Hall Reservation because the unemployment rate for residents of these reservations exceeds 10 percent. According to the Idaho Department of Labor statistics for the period, October 1997 through September 1998, the unemployment rates for these reservations were:

Coeur d'Alene Reservation	--	16.7 percent
Nez Perce Reservation	--	17.6 percent
Fort Hall Reservation	--	24.9 percent

Based on this information, we are approving the extension of Waiver #970161 for 1 year.

Waiver #970162: The State agency requested an extension of the waiver for the Kootenai Reservation because there are insufficient jobs in this area. The Kootenai Reservation is totally in Boundary County which is a Labor Surplus Area (LSA). The State agency also requested an extension of the waiver for the Duck Valley Reservation because of insufficient jobs. According to the Idaho Department of Labor statistics for the period, July 1996 through June 1998, the unemployment rate for the Duck Valley Reservation was 9.2 percent. Therefore, average unemployment for the 24-month period is more than 20 percent higher than the national average (4.9 percent). Based on this information, we are approving the extension of Waiver #970162 for the Kootenai and Duck Valley Reservations for another year based on insufficient jobs.

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 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 those reservations which are exempt based on insufficient jobs, please submit data which indicates that these counties have insufficient jobs.
13. **Expiration date:** Waivers #970161 and 970162 are extended for a period of 1-year and will expire on February 28, 2000.

14. **Limitation on regional office approval of like requests:** These waivers are 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:** December 18, 1998
18. **Date of regional office transmittal of response to State agency:**