

970135, 970136, 970199

SUBJECT: FSP - New Mexico - 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: Donald E. Arnette, Sr
Director
Food Stamp Program
Southwest Region

This is in response to the New Mexico State Agency's request for an extension and modification of waivers #970135, 970136, and 970199 which exempted individuals residing in a number of Counties, Reservations, and Pueblos 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.

Arthur T. Foley
Director
Program Development Division

Attachment

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

FNS:FSP:PDD:JWalsh:final:04/23/98:ebw
FILE: ABAWDS
DIR: I:970135ext - Memo

Waiver Response

1. **Waiver serial number:** 970135
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:** New Mexico
6. **Region:** SWRO
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 original waiver for food stamp recipients residing in Catron, Cibola, Guadalupe, Luna, Mora, Rio Arriba, San Miguel and Taos Counties. All eight counties continued to have unemployment rates in excess of 10 percent when averaged for the entire fiscal year. Two other counties had been included in this waiver but the San Juan County unemployment rate dropped to 9.9% and Colfax County dropped to 7.5%. Therefore, they are not included in the request for extension for areas with unemployment over 10 percent; they are included in the request for extension of Waiver No. 970136 because both counties are included in the current list of Labor Surplus Areas (LSAs).

The State agency also requested that the extension of the waiver include the Indian reservations and pueblos in these counties, and the Jicarilla Indian Reservation and the Zia Pueblo.

9. **Action and reason for approval or denial:** The State agency submitted unemployment data for 1997 as identified by the Department of Labor's Bureau of Labor Statistics:

<u>COUNTY</u>	<u>UNEMPLOYMENT RATES</u>
Catron	11.4%
Cibola	11.0%
Guadalupe	12.4%
Luna	25.1%
Mora	20.7%
Rio Arriba	11.0%
San Miguel	10.5%
Taos	14.7%

Based on this data we are approving the State agency's request to exempt individuals who live in the following counties from the work requirement provisions of Section 824 of the PRWORA: Catron, Cibola, Guadalupe, Luna, Mora, Rio Arriba, San Miguel, and Taos Counties.

We are also approving the State agency's request to exempt individuals who live in the following reservations and pueblos from the work requirement provisions of Section 824 of the PRWORA because they are located in counties with unemployment rates over 10 percent: Picuris Pueblo (Taos County), San Juan Pueblo (Rio Arriba County), Taos Pueblo (Taos County), Acoma Pueblo (Cibola County), Rumah-Navajo Indian Reservation (Cibola County), and the Canoncito Indian Reservation (Cibola County).

Persons residing on the Jicarilla Indian Reservation and the Zia Pueblo are included in the extension of Waiver No. 270199.

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 have an unemployment rate over 10 percent.
11. **Conditions and reasons:** N/A

12. **Information required for extension:** For those counties which are exempt based on 10 percent unemployment, please submit supporting unemployment data which relies on standard BLS data and/or methods.
13. **Expiration date:** This waiver is approved retroactive to April 1, 1998, and will expire on March 31, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the New Mexico 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:** February 24, 1998.
18. **Date of regional office transmittal of response to State agency:**