

March 12, 1998

970120, 970121, 970184, and 970185

SUBJECT: FSP - Nevada - 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 Nevada State Agency's February 10, 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. Our response is attached.

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

/s/

Arthur T. Foley
Director
Program Development Division

Attachment

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

FCS:FSP:PDD:CPB:HayesBrown:DRAFT:3/10/98:final:03/11/98:va

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Waiver Response

1. **Waiver serial number:** 970120, 970121, 970184, and 970185
2. **Type of request:** Modifications and Extensions
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:** Nevada
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 Nevada State Agency requests to exempt individuals residing in 7 counties, 2 cities, and 3 Indian reservations 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) or areas where unemployment exceeds the national rate by 20 percent or more over the previous two calendar years.

The State Agency also requests to exempt individuals residing in 13 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 modifications and extensions of waiver nos. 970120 and 970185, based on insufficient jobs, and an extension of waiver no. 970184, based on unemployment rates that exceed 10 percent, for individuals residing in the following areas:

970120 (Insufficient Jobs) <i>expires 2/28/99</i>	970121 (10% Unemp.) <i>expired 2/28/98</i>	970184 (10% Unemployment) <i>expires 2/28/99</i>	970185 (Insufficient Jobs) <i>expires 2/28/99</i>
COUNTIES		RESERVATIONS	RESERVATIONS
Esmeralda Eureka Lander Lincoln Lyon Mineral White Pine		Fallon Paiute-Shoshone Las Vegas Colony Washoe (includes Carson Colony & Dresslerville Colony) Duck Valley Te-Moak Ft. McDermitt Paiute- Shoshone Yerington Yomba Lovelock Colony Pyramid Lake Paiute Ely Colony Goshute Walker River Paiute	Duckwater Reno-Sparks Indian Colony Moapa
CITIES			
Carson City North Las Vegas			

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. 970120, 970184, and 970185 are approved for a period of 1 year and expire on February 28, 1999. Waiver no. 970121 expired on February 28, 1998.
14. **Limitation on regional office approval of like requests:** These waivers are limited to the Nevada State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 10, 1998
18. **Date of regional office transmittal of response to State agency:**
19. **Actual implementation date:**