

APR 22 2002

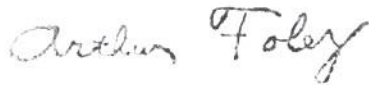
970120, 970184, and 970185

SUBJECT: FSP - Nevada - Request to Waive 7 CFR 273.24 - ABAWD Time Limit

TO: Dennis Stewart, Regional Director
Food Stamp Program
Western Region

This is in response your memo of March 14, 2002, forwarding the Nevada State Agency's request to modify and extend its waivers of 7 CFR 273.24 - the ABAWD time limit. 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. The State requested a waiver to exempt individuals who reside in 6 counties, 1 city, and 16 Indian tribal lands. Our response is attached.

If you have any questions, please contact Moira Johnston of my staff at 703-305-2515.



Arthur T. Foley
Director
Program Development Division

Attachment

cc: Bob Dalrymple, OANE
National QC Arbitrator
Mike DePiro, OANE
Civil Rights
All Regions (except WRO)

FINAL:USDA:FNS:FSP:PDD:CPB:Moira Johnston:04-18-02:jas
DIR:I:CPB/Waivers/970120 et al response 2002

WAIVER RESPONSE

1. **Waiver serial number:** 970120, 970184, and 970185
2. **Type of request:** Modifications and Extensions
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Nevada
6. **Region:** WRO
7. **Regulatory Requirements:** 7 CFR 273.24 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.

At the request of the 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 (UER) 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 under waiver #970120 to exempt individuals from the time limits of 7 CFR 273.24 who reside in seven (6) counties and one (1) city based on their identification as Labor Surplus Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor. These areas include Churchill, Esmeralda, Lander, Lincoln, Lyon, and Mineral counties, and North Las Vegas City, all of which were previously approved based on their designations as LSAs. The State agency is not requesting Humboldt County this year as it is no longer identified as an LSA.

In waiver number 970184, the State Agency requests to waive the time limits of 7 CFR 273.24 for individuals who reside on the following Indian reservations or colonies that have unemployment rates higher than 10 percent: Fallon Paiute-Shoshone Reservation and Colony, Las Vegas Colony, Washoe Tribe (Carson Colony, Dresslerville Colony, Duck Valley Reservation, Te-Moak Reservation and

Trust, Fort McDermitt Paiute-Shoshone Reservation, Yerington Paiute Reservation and Colony, Pyramid Lake Reservation, Lovelock Colony, Moapa River Reservation, Yomba Reservation, Ely Colony, Duckwater Reservation, Goshute Reservation, and Walker River Paiute Reservation.

In waiver number 970185, the State Agency requests to waive the time limits of 7 CFR 273.24 for individuals who reside in the Reno-Sparks Indian Colony as it has an unemployment rate at least 120 percent of the national unemployment rate during a 24-month time frame.

9. Action and reason for approval or denial:

Waiver Number 970120: We are approving the modification and extension of waiver this waiver for North Las Vegas City and counties Churchill, Esmeralda, Lander, Lincoln, Lyon and Mineral based on their designations as LSAs for fiscal year 2002.

Waiver Number 970184: We are approving the extension and modification of This waiver for Fallon Paiute-Shoshone Reservation and Colony, Las Vegas Colony, Washoe Tribe (Carson Colony, Dresslerville Colony, Duck Valley Reservation, Te-Moak Reservation and Trust, Fort McDermitt Paiute-Shoshone Reservation, Yerington Paiute Reservation and Colony, Pyramid Lake Reservation, Lovelock Colony, Moapa River Reservation, Yomba Reservation, Ely Colony, Duckwater Reservation, Goshute Reservation, and Walker River Paiute Reservation. The State agency submitted data from the Nevada Department of Employment Training and Rehabilitation (a Bureau of Labor Statistic (BLS) cooperating agency) showing that these Indian Tribal Lands have average unemployment rates over 10 percent for calendar year 2001.

Waiver Number 970185: We are approving the extension and modification of this waiver for Reno-Sparks Colony. The State agency submitted data prepared by the Nevada Department of Employment and Training and Rehabilitation, a BLS cooperating agency, indicating that this area had an average unemployment rate at least 120 percent of the national unemployment rate for a an 11-month period ending December 2000, and a 12 month period ending December 2002. Normally we require the data be for an entire 24-month period. However, the lack of one month in this case is not significant because the unemployment rate is significantly above the national average for that period that the missing month would have to be a very significant deviation, which is unlikely. Additional, we normally require that the unemployment rate be for a 24-month period and not an average of two separate years. Again, the difference between the two is slight. Therefore we are approving the

request based on an average of two years of unemployment (7.2 percent), which is 20 percent higher than the national average (4.8 percent) for the same time period. In the future, however, please such data should be an average of a recent 24-month period.

10. **Regulatory or legislative basis for action:** These waivers are approved pursuant to 7 CFR 273.24, which allows the Secretary to waive the applicability of the time limit for able-bodied adults without dependents 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:** None.
12. **Information required for extension:** Please submit verifiable data that relies on current BLS data and methods which support an exemption for counties and/or Indian tribal lands that experienced insufficient jobs. The data the State agency submitted for this current request is acceptable. However, in the future, unemployment rates 20 percent about the national average must be for a 24-month period, and not an average of two years. While we are approving the State agency's request for Re-Sparks Colony based on a 2-year average, in the future, please submit unemployment data for a 24-month period.
13. **Expiration date:** Waiver nos. 970120, 970184, and 970185 are approved for a period of 1 year and expire on March 31, 2002.
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 26, 2002
18. **Date of regional office transmittal of State agency's request:** March 14, 2002
19. **Actual implementation date:**