

JUN 04 2002

970161 and 970162

SUBJECT: FSP - Idaho - Request to Waive 7 CFR 273.24

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 on five Indian Reservations from the work requirement for able-bodied adults without dependents (ABAWDs).

Idaho included the Coeur d'Alene Reservation (Benewah and Kootenai) in waiver 971061 because the Reservation's unemployment rate for July 2000 through June 2001 exceeds 10 percent. Waiver 970162 includes the Nez Perce, Fort Hall, and Duck Valley Reservations because these Reservations have unemployment greater than 10 percent for the period October 2000 through September 2001. The Kootenai Reservation is also included in this waiver because it is located in Boundary County, a designated Labor Surplus Area (LSA).

We are approving the waivers. Our detailed response is attached.

Please note that we are approving the Coeur d'Alene, Nez Perce, Fort Hall and Duck Valley Reservations under waiver 970161. We are doing this because the four Reservations are exempt for the same reason – their unemployment rates exceed 10 percent – even though the data comes from two different time periods. For future extension requests, we ask that Idaho includes these Reservations under waiver 970161 when the reason for the exemption is unemployment rates above 10 percent. Waiver 970162 can be used for any Reservation that is designated a LSA.

We appreciate the assistance of Margot Welk during the preparation of our response.

Our response is attached. If you have any questions, please contact Patricia Maggi of my staff at 703-305-2476.



Arthur T. Foley
Director
Program Development Division

Attachment

cc: QCB, PAD
SAB, PAD
FNS National Arbitrator
Mike DePiro, OANE
Bob Dalrymple, OANE
All Regions (except WRO)

FINAL:USDA:FNS:FSP:PDD:CPB:PMAGGI:05-28-02:jas
FILE:I:CPB:WAIVERS:Fiscal Year 2002:970161 and 970162, 2002
extension:Pmaggi:05-17-02

Symbol	Surname	Date	Verbal	Signature	Date
	<i>P. Maggi</i>	<i>6/4/02</i>			
<i>PD-100</i>	<i>P. W. W.</i>	<i>6/4/02</i>			

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WAIVER RESPONSE

1. **Waiver serial number:** 970161 and 970162
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:**
5. **State:** Idaho
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.

7 CFR 273.24(f) allows States the opportunity to request a waiver when it is determined that the area in which the individual resides has an unemployment rate over 10 percent; or there are not sufficient jobs to provide employment for the individuals. The regulations at 7 CFR 273.24(f) establish the procedures for approving such waivers.

8. **Description of proposed alternative procedures:** The State agency is requesting an extension of waivers 970161 and 970162 for residents of the Coeur d'Alene, Duck Valley, Fort Hall, Kootenai, and Nez Perce Reservations. These are the same Reservations that were granted a waiver in 2001.
9. **Action and reason for approval or denial:**

Waiver 970161: According to the Idaho Department of Labor, the following reservation has an unemployment rate above 10 percent for the 12-month period, July 2000 to June 2001:

Coeur d'Alene 16.9 percent

The following Reservations have unemployment rates above 10 percent for the 12-month period, October 2000 to September 2001:

Duck Valley	13.8 percent
Fort Hall	23.4 percent
Nez Perce	19.4 percent

The State agency originally requested an extension for only the Coeur d'Alene Reservation because its unemployment rate was above 10 percent for the period July 2000 to June 2001.

The extension for waiver 970162 lists the Duck Valley Reservation, the Fort Hall Reservation, and the Nez Perce Reservation for unemployment rates above 10 percent. The only difference between these Reservations and the Coeur d'Alene is the time period involved - October 2000 to September 2001. We think it is simpler and more effective to include the four Reservations in waiver 970161 since the waiver deals with Reservations with unemployment rates above 10 percent.

Therefore, we are approving the State agency's request. The resident of residents of the Coeur d'Alene, Duck Valley, Fort Hall, and Nez Perce Indian Reservations are exempt based on unemployment rate greater than 10 percent.

Waiver 970162: The State agency requested an extension of the waiver for the Kootenai Reservation based on insufficient jobs. The entire Kootenai Reservation is located within Boundary County, which is designated as a Labor Surplus Area (LSA) for Fiscal Year 2002 by the Employment and Training Administration, Department of Labor. Based on this information, we are approving the waiver to exempt residents of the Kootenai Reservation from the ABAWDs work requirement due to insufficient jobs.

10. **Regulatory or legislative basis for action:** The waivers are approved pursuant to 7 CFR 273.24(f) which allows the Secretary to waive the applicability of the work requirement provision in 7 CFR 273.24 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 Reservations that are exempt based on 10 percent unemployment, please submit supporting unemployment data that relies on standard Bureau of Labor Statistics (BLS) data and/or methods. For any Reservation that is exempt based on insufficient jobs, please submit data that indicates the Reservation has insufficient jobs.
13. **Expiration date:** Waivers 970161 and 970162 are approved retroactively to April 1, 2002, and will expire on March 31, 2003.

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:** April 8, 2002
18. **Date of regional office transmittal of request to National office:** April 26, 2002