

April 12, 2007

2040058

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

TO: Dennis Stewart, Director
Food Stamp Program
Western Region

This is in response to your memorandum of March 12, 2007, forwarding the Nevada State agency's request to extend and modify its waiver which exempts the following individuals from the work requirements of 7 CFR 273.24:

- 1) Individuals who reside on Nevada Tribal jurisdictions with an unemployment rate higher than 10 percent for the 24-month period of January 2005 through December 2006. These jurisdictions include the Stewart Community, Fallon Colony, Duck Valley Reservation, Elko Colony, Fort McDermitt, Winnemucca Colony, Walker River Reservation, Lovelock Colony, Reno-Sparks Colony, and the Goshute Reservation; and
- 2) Individuals who reside in Mineral County and on the five tribal jurisdictions with an unemployment rate of at least 20 percent above the national average of 5.1 percent, or 6.1 percent for the 36-month period of January 2004 through December 2006. These jurisdictions include the Carson Colony, Fallon Reservation, Moapa River, Duckwater Reservation, and the Pyramid Lake Reservation.

The State based its determination of insufficient jobs on Bureau of Labor Statistics and 2000 Census data. We noted that the State agency manipulated most of its raw data obtained from the BLS in that the labor force, employment, and unemployment figures end in zero. **Raw data must never be manipulated in any way.** In the future, the State agency should copy and paste data obtained from BLS into their spreadsheets. The State agency should also refer to our guidance on how to compute unemployment rates at:

<http://www.fns.usda.gov/fsp/rules/Memo/PRWORA/abawds/042204.htm>

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Because the State agency's manipulation of its raw data did not significantly affect its computations showing that the areas requested have high unemployment, we are approving the State's waiver request for two years. If you have any questions, please contact Vicky Robinson at vicky.robinson@fns.usda.gov or at (703) 305-2476.

/s/

Patrick Waldron
Chief
Certification Policy Branch
Program Development Division

Attachment

cc: All Regions (except WRO)
Bob Dalrymple OAE
Civil Rights

FINAL: USDA:FNS:FSP:PDD:CPB:VRobinson:04/11/07:
DIR I:CPB:Waivers/FiscalYear2007/2040058-Nevada ABAWD mod & ext

Symbol	Surname	Date	Symbol	Surname	Date

WAIVER RESPONSE

1. **Waiver serial number:** 2040058
2. **Type of Request:** Modification and Extension
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** Not applicable
5. **State:** Nevada
6. **Region:** Western Region
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; did not participate in and comply with requirements of a program under Section 20 or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) 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. **Proposed alternative procedures:** The Nevada State agency requests a modification and extension of its waiver to exempt certain individuals from the work requirements of 7 CFR 273.24. Specifically the State agency is requesting to continue its exemption of individuals residing in the tribal areas of the Stewart community, Fallon Colony, Duck Valley Reservation, Elko Colony, Fort McDermitt Reservation, Winnemucca Colony, Walker River Reservation, Lovelock Colony, Reno-Sparks Colony, and Goshute Reservation based on each having an unemployment rate over 10 percent for the 24-month period of January 1, 2005 through December 31, 2006:

Tribal Areas waived @10% for 24-month period 1/2005 through 12/2006									
Tribal Area	Whole County Employed	Census Share Ratio- Employed	# of Employed	Whole County Unemployed	Census Share Ratio- Unemployed	# of Unemployed	Total Labor Force	Unemployment Rate	UER Percentage
Stewart Community	631,638	0.003679	2,324	31,194	0.009599	299	2,623	0.1141	11.4%
Fallon Colony	292,225	0.002624	767	13,211	0.020281	268	1035	0.2589	25.9%
Duck Valley Reservation	553,588	0.012678	7,018	22,464	0.052874	1188	8,206	0.1447	14.5%
Elko Colony	553,588	0.012446	6,890	22,464	0.036015	809	7,699	0.1051	10.5%
Fort McDermitt	181,868	0.007126	1,296	7,561	0.069182	523	1,819	0.2876	28.8%
Winnemucca Colony	181,868	0.003705	674	7,561	0.011006	83	757	0.1099	11.0%
Walker River Reservation	47,172	0.128093	6,042	3,226	0.251634	812	6,854	0.1184	11.8%
Lovelock Colony	52,073	0.010141	528	2,808	0.026738	75	603	0.1245	12.4%
Reno-Sparks Colony	4,903,079	0.00191	9,365	201,834	0.005806	1172	10,537	0.1112	11.1%
Goshute Reservation	99,588	0	0	4,330	0.025735	111	111	1	100.00%

The State agency also requested to continue to exempt individuals residing in the areas of Carson Colony, Fallon Reservation, Moapa River Reservation, Duckwater Reservation, and Pyramid Lake based on having an unemployment rate of at least 20 percent above the national average of 5.1 percent, or 6.1 percent, for the 36-month period of January 1, 2004 through December 31, 2006:

National Unemployment Rate (UER):

Labor Force	Unemployed	UER	20% above UER
5,377,789,000	272,885,000	5.1	6.1

Tribal Areas waived @20% for 36-month period 01/2004 through 12/2006									
Tribal Area	Whole County Employed	Census Share Ratio- Employed	# of Employed	Whole County Unemployed	Census Share Ratio- Unemployed	# of Unemployed	Total Labor Force	Unemployment Rate	UER Percentage
Carson Colony	938,238	0.005074	4,761	47,454	0.007853	373	5,133	0.0726	7.3%
Fallon Reservation	424,875	0.021093	8,962	19,611	0.045242	887	9,849	0.0901	9.0%
Moapa River	29,750,059	0.000133	3,957	1,287,094	0.000246	317	4,273	0.0741	7.4%
Duckwater Reservation	555,036	0.005275	2,928	31,731	0.007447	236	3,164	0.0747	7.5%
Pyramid Lake Reservation	7,452,229	0.004012	29,898	301,654	0.009044	2,728	32,626	0.0836	8.4%

The State agency has also requested to modify its waiver by adding Mineral County based on having an unemployment rate of at least 20 percent above the national average for the aforementioned time period:

Mineral County @20% for 36-month period 1/2004 through 12/2006				
Area	Labor Force	Unemployment	Unemployment Rate	UER Percentage
Mineral	75,954	4,677	0.061577	6.2%

9. **Action and reason for approval or denial:** We are approving the State agency's request in full for two years. Able-bodied adults without dependents who reside in the aforementioned areas will be exempt from work requirements due to insufficient jobs.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f), which allows the Secretary to waive the applicability of the work requirement provision for any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside has insufficient jobs.
11. **Conditions and reasons:** None
12. **Information required for extension:** To receive an extension the State agency must provide data for the affected areas indicating that there continue to be insufficient jobs for individuals subject to 7 CFR 273.24. The State agency must provide the necessary data and computations to support its waiver request and not manipulate its data in any way.
13. **Expiration date:** This waiver is approved for two years, from April 1, 2007 through March 31, 2009.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Nevada State agency.
15. **Quality Control procedures:** None
16. **Date of national office action:** April 11, 2007
17. **Date of State agency's request:** March 1, 2007
18. **Dates of regional office transmittal of request to national office:** March 12, 2007
19. **Date of regional office transmittal or response to State agency:**
20. **Actual implementation date:**