

DEC 10 1998

980013

SUBJECT: FSP - Arkansas - 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: Esther Phillips, Regional Director
Southwest Region

This is in response to your memorandum of November 30, 1998, forwarding the Arkansas State Agency's request to extend its current waiver 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. The State agency is requesting extension and modification of its current waiver based on insufficient job opportunities as indicated by Labor Surplus Area (LSA) designation by the Employment and Training Administration of the Department of Labor. Under the State agency's current waiver, individuals in 26 counties and one city are exempt from the requirements of Section 6(o) of the Act. Under the extension residents of 33 counties and one city designated as LSAs for Fiscal Year 1999, would be exempt from the work requirements of Section 6(o) of the Act.

Our response approving this waiver request is attached. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Signed

Arthur T. Foley
Director
Program Development Division

Attachment

cc: Brian Allison, Retha Oliver, John Knaus, Maurice Tracy, All Regions (except SWRO), Civil Rights, CPB (circulate), Mike DePiro (OAE)

FNS:FSP:PDD:LTropp:final:12/9/98:va

FILE: ABAWDs

DIR: I:CPB/WAIVERS/980013ext.mem

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6014	Tr	12/5/98			
P1100	W. B. B. B.	12/6/98			

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Waiver Response

1. **Waiver serial number:** 980013
2. **Type of request:** Extension/Modification
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:** Arkansas
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, participate in and comply with the requirements of a work program for 20 hours or more per week, or 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 Arkansas State Agency is proposing to exempt from this requirement individuals who reside in areas which have an insufficient number of jobs based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor. The Arkansas State agency has identified 33 counties and one city which have been designated as LSAs.

Approval of this waiver would allow individuals who reside in the identified areas the opportunity to participate in the Food Stamp Program without being required to meet unrealistic program work requirements. It would also ease the burden for individuals trying to comply with work requirements which are unreasonable given the local economic environment. Finally, it would provide for more efficient operation of the Food Stamp Program by allowing the State agency to focus its efforts and resources in regard to work requirements on those households most likely to benefit.

9. **Action and reason for approval or denial:** Based on their designation as LSAs by the Department of Labor (DOL) for FY 1999, we are approving exemptions for Ashley, Bradley, Calhoun, Chicot, Clay, Columbia, Dallas, Desha, Drew, Hempstead, Izard, Jackson, Lafayette, Lawrence, Lee, Lincoln, Little River, Mississippi, Monroe, Nevada, Newton, Ouachita, Perry, Phillips, Poinsett, Prairie, Randolph, Searcy, Sharp, St. Francis, Union, Van Buren, and Woodruff Counties, and the City of Pine Bluff.
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 does not have a sufficient number of jobs to provide employment for the individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit data indicating that the areas included in the waiver continue to be designated as LSAs.
13. **Expiration date:** This waiver is effective January 1, 1999, and will expire on December 31, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Arkansas State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** November 13, 1998
18. **Date of regional office transmittal to the national office:** November 30, 1998
19. **Actual implementation date:**