

FEB 9 - 1999

970046

SUBJECT: FSP - Kentucky - Request to Extend 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

TO: Crayton Lankford, Acting Director
Food Stamp Program
Southeast Region

This is in response to the Kentucky State Agency's request for a modification and extension of waiver no. 970046 which exempts individuals residing in several counties from the work requirement for able-bodied adults without dependents.

Our response approving the waiver as requested is attached. If you have any questions, please contact Larry Tropp at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Mike DePiro (OAE), Maurice Tracy, All Regions (except MWRO), Civil Rights, CPB (circulate)

FCS:FSP:PDD:CPB:Ltropp:final:2/3/99:va

FC: ABAWD

DIR: I:970046 - KY - memo-1999 extension

Symbol	Surname	Date	Symbol	Surname	Date
APB		2/3/99			
PB1110	Watts	2/4/99			
PDIW	Watts	2/4/99			

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WAIVER RESPONSE

1. **Waiver Serial Number:** 970046
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 (PROWRA) of 1996, P. L. 104-193
4. **Secondary regulation citation:** N/A
5. **State:** Kentucky
6. **Region:** Southeast
7. **Regulatory Requirement:** Section 6(o) of the Food Stamp Act, as amended, by Section 824 of the PROWA, 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, average 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 received benefits because they were exempt from these requirements.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PROWRA, 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 State agency is requesting an extension/modification of this waiver, which exempts residents of 56 counties, one partial county and one city from the requirements of section 6(o) of the Act based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor. Under the proposed extension and modification, residents of 64 counties, 2 cities and one partial county, also based on LSA designation, would be exempt from the requirements of Section 6(o). Jackson, Lee, and Nicholas, which were exempt based on LSA status for FY 1998, no longer qualify for an exemption on that basis and are not included in this waiver

extension. Taylor County, which was excluded based on unemployment greater than 10 percent in 1998, is now included in this waiver based on its designation as an LSA.

9. **Action and reason for approval or denial:** We are approving the State agency's request in its entirety. Under the waiver residents of the following areas, all of which are designated LSAs, would be exempt from the work requirements of Section 6(o) of the Food Stamp Act based on insufficient job opportunities:

Adair	Casey	Green	Lawrence	Menifee	Taylor
Allen	Clay	Greenup	Leslie	Monroe	Union
Ballard	Clinton	Hancock	Letcher	Morgan	Warren*** (partial)
Bath	Crittenden	Harlan	Lewis	Muhlenberg	Wayne
Bell	Cumberland	Hart	Livingston	Nelson	Webster
Boyd	Edmonson	Henderson City *	Lyon	Ohio	Whitley
Breathitt	Elliott	Hickman	Magoffin	Owensboro City**	Wolfe
Breckinridge	Fleming	Hopkins	Marion	Perry	
Butler	Floyd	Johnson	Marshall	Pike	
Caldwell	Fulton	Knott	Martin	Powell	
Carlisle	Graves	Knox	McCreary	Rockcastle	
Carter	Grayson	Laurel	McLean	Russell	

Counties in bold type were not exempt in 1998

*Henderson City only, balance of Henderson County is not exempt.

** Owensboro City only, balance of Daviess County is not exempt.

*** Warren County, less Bowling Green City

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 PROWRA, 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 does not have a sufficient number of jobs to provide employment for individuals residing in the area.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** To receive an extension the State agency must provide data indicating that the areas included in this waiver have unemployment rates of over 10 percent, or do not have a sufficient number of jobs to provide employment for the individuals residing in the areas.

13. **Expiration date:** This waiver is retroactive to January 1, 1999, and will expire February 28, 2000.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Kentucky State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** January 7, 1999
18. **Date of regional office transmittal of request:** January 8, 1999 (via fax)
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**

KENTUCKY ABAWD WAIVERS

(Expires 2/29/2000)

All Areas are LSAs

Adair	Casey	Green	Lawrence	Menifee	Taylor
Allen	Clay	Greenup	Leslie	Monroe	Union
Ballard	Clinton	Hancock	Letcher	Morgan	Warren*** (partial)
Bath	Crittenden	Harlan	Lewis	Muhlenberg	Wayne
Bell	Cumberland	Hart	Livingston	Nelson	Webster
Boyd	Edmonson	Henderson City *	Lyon	Ohio	Whitley
Breathitt	Elliott	Hickman	Magoffin	Owensboro City**	Wolfe
Breckinridge	Fleming	Hopkins	Marion	Perry	
Butler	Floyd	Johnson	Marshall	Pike	
Caldwell	Fulton	Knott	Martin	Powell	
Carlisle	Graves	Knox	McCreary	Rockcastle	
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