

JAN 29 1999

SUBJECT: FSP - Request to Extend and Modify Existing Waivers to Section 6(o)
of the Food Stamp Act - Tennessee

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

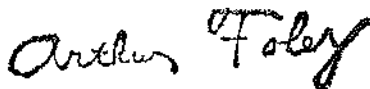
This is in response to the Tennessee State Agency's request of December 17, 1998, to extend Waivers #970084 and #970085.

Under Waiver #970084 the State agency was approved to exempt individuals residing in 8 counties from Section 6(o) of the Food Stamp Act, based on unemployment exceeding 10 percent in these areas. The original waiver for 7 counties was amended on December 22, 1997, to add Lawrence County. In its current request the State agency wants to extend the waiver for Clay, Hardeman, Lewis, and Wayne Counties. Our data reflects that Haywood, Houston, Lake, and Stewart Counties also have an unemployment rate above 10 percent. Therefore, we are approving all 8 counties under Waiver #970084. Lawrence County no longer has unemployment over 10 percent, but it is a designated Labor Surplus Area (LSA) and it is being moved to Waiver #970085.

Under Waiver #970085, the State agency is approved to exempt individuals residing in 36 counties from Section 6(o) of the Food Stamp Act. The State agency said there were 44 counties but their number includes the 8 counties with unemployment over 10 percent. The exemption is based on these areas being identified as LSAs for FY 1999. We are moving Lake County to Waiver #970084 because the county has an unemployment rate over 10 percent; however, Lawrence County is included in Waiver #970085 because unemployment is less than 10 percent but it continues to be designated as an LSA. The State agency has requested that we add 10 counties to Waiver #970085 for a total of 46 because they are designated as LSAs. Therefore, we are approving 46 counties under Waiver #970085.

Our separate responses to the State agency's request are attached. Our responses provide for a waiver period through January 31, 2000.

If you have any questions, please contact James A. Walsh of my staff at 703-305-2531.



Arthur T. Foley
Director
Program Development Division

Attachments

cc: J. Pinto, R. Oliver, M. Tracy, M. Depiro (OAE), All Regions, Civil Rights, CPB (circulate)

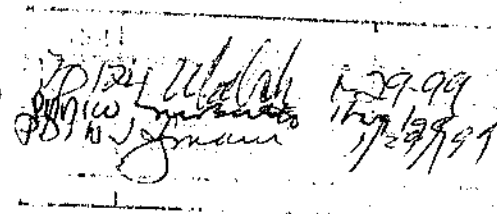
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File: ABAWD Waivers - Tennessee

DIR: memo I:cpb:waivers/970084 & 970085 - TN - mod & ext. memo

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WAIVER RESPONSE

1. **Waiver Serial Number:** 970084
2. **Type of Request:** Extension and 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:** Tennessee
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.** Under the current waiver, the State agency is approved until January 31, 1999, to exempt individuals residing in 8 counties from the requirements of Section 6(o) of the PROWRA. Exemption is based on these areas having an unemployment rate above 10 percent. The 8 counties are: Clay, Hardeman, Haywood, Houston, Lawrence, Lewis, Stewart, and Wayne. The State agency wants to extend the waiver for 4 of these counties: Clay, Hardeman, Lewis, and Wayne. Based on information provided by the State agency, these counties have an unemployment rate above 10 percent.

9. **Action and reason for approval or denial.** The State agency submitted unemployment data with its revised waiver request for the period from November 1997 to October 1998. The waiver extension request is for Clay, Hardeman, Lewis, and Wayne Counties. Our data reflects that Haywood, Houston, Lake, and Stewart Counties also have an unemployment rate above 10 percent. Accordingly, based on our review of the State agency's data, we are extending the waiver for the counties of Clay, Hardeman, Haywood, Houston, Lewis, Stewart, and Wayne, and we are modifying the waiver to include Lake County. Lawrence County did not have an unemployment rate above 10 percent for the period; however, the county will be included under Waiver #970085 because it qualifies as a Labor Surplus Area (LSA).
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 using BLS methodology indicating that the unemployment rate of the affected areas is above 10 percent.
13. **Expiration date:** This waiver will expire on January 31, 2000.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Tennessee State Agency.
15. **Quality control procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** December 17, 1998
18. **Date of regional office transmittal of request to national office:**
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**

WAIVER RESPONSE

1. **Waiver Serial Number:** 970085
2. **Type of Request:** Extension and 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:** Tennessee
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.** Under the current waiver, the State agency is approved until January 31, 1999 to exempt individuals residing in 36 counties from the work requirement provisions of Section 6(o) of the PROWRA based on their designation as Labor Surplus Areas (LSAs) by the Employment and Training Administration (ETA) of the Department of Labor. The counties are: Benton, Campbell, Carroll, Cocke, Crockett, Cumberland, Decatur, Dekalb, Fentress, Gibson, Greene, Grundy, Hardin, Henderson, Humphreys, Johnson, Lake, Lauderdale, Lincoln, Macon, McMinn, McNairy, Meigs, Monroe, Morgan, Obion, Overton, Pickett, Polk, Rhea, Scott, Sevier, Trousdale, Unicoi, Van Buren, and White. The State agency is requesting an extension of the waiver for these counties and to add 10 additional counties to the waiver: Cannon, Carter (less Johnson City),

Dyer, Franklin, Henry, Jackson, Marion, Roane (less Oak Ridge City), Sequatchie, and Warren. This will make a total of 46 counties being exempt from the able-bodied requirement because they are designated as LSAs.

9. **Action and reason for approval or denial:** Based on information provided by the State agency and a review of our own data, 36 counties approved for exemption as LSAs for FY 1998 continue to be designated as LSAs for FY 1999. We are approving an extension for these 36 counties. (Lake County is moved to Waiver #970084 because unemployment exceeded 10 percent for the past 12 months; Lawrence County is being added to this waiver because unemployment was less than 10 percent for the past 12 months but the county continues to be designated as an LSA.) We are including the 10 additional counties listed by the State agency based on their recent designation as LSAs. Thus, we are approving an exemption for individuals residing in the 46 counties requested by the State agency based on their designation as LSAs by the ETA. The counties are:

Benton, Campbell, Cannon, Carroll, Carter (less Johnson City), Cocke, Crockett, Cumberland, Decatur, DeKalb, Dyer, Fentress, Franklin, Gibson, Greene, Grundy, Hardin, Henderson, Henry, Humphreys, Jackson, Johnson, Lauderdale, Lawrence, Lincoln, Macon, Marion, McMinn, McNairy, Meigs, Monroe, Morgan, Obion, Overton, Pickett, Polk, Rhea, Roane (less Oak Ridge City), Scott, Sequatchie, Sevier, Trousdale, Unicoi, Van Buren, Warren, and White.

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 there are insufficient jobs in the affected areas.
13. **Expiration date:** This waiver expires on January 31, 2000.
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Tennessee State Agency.

15. **Quality control procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** December 17, 1998
18. **Date of regional office transmittal of request to national office:**
19. **Date of regional office transmittal of response to State agency:**
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