

10/3/97

970057

SUBJECT: FSP - Texas - 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: Donald E. Arnette, Regional Director
Food Stamp Program
Southwest Region

This is in response to your memorandum of September 8, 1997, forwarding the Texas State Agency's request to extend its 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, for 26 counties based on unemployment rates exceeding 10 percent. This section limits the receipt of food stamp benefits to 3 months within a 3 year period for able-bodied adults who are not working (or participating in a work program) 20 hours or more each week or participating in workfare. The waiver was originally approved through a memorandum dated January 13, 1997, and is scheduled to expire on January 31, 1998. The State agency has requested extension at this time so that the approval period of the waiver will coincide with the Federal fiscal year.

We are approving the State agency's request to extend its current waiver exempting individuals residing in Brooks, Cameron, Cottle, Dimmit, Duval, El Paso, Hidalgo, Jasper, Kinney, Liberty, Loving, Marion, Matagorda, Maverick, Newton, Orange, Panola, Presidio, Reeves, Starr, Tyler, Uvalde, Val Verde, Webb, Willacy, and Zavala Counties. All of the above counties have unemployment rates greater than 10 percent for either the 12 month or 3 month periods ending April 1997.

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

/S/

Arthur T. Foley
Director
Program Development Division

Attachment

cc: Joseph Pinto, John Knaus, Joe Shea, Maurice Tracy, All Regions (except SWRO)
Civil Rights, CPB (circulate), Mike DePiro, OAE

FCS:FSP:PDD:LTropp:DRAFT:9/24/97:FINAL:9/29/97:va

FILE: ABAWDs -Texas State File

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Waiver Response

1. **Waiver serial number:** 970057
2. **Type of request:** Extension
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:** Texas
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; 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 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 Texas State Agency is requesting an extension of its current waiver exempting individuals in 26 counties from the provisions of Section 824 of PRWORA. The basis for this extension request is unemployment rates exceeding 10 percent for those counties included in the request, although not all of the counties were not originally waived from the requirements of Section 824 on that basis.

9. **Action and reason for approval or denial:** We are approving the State agency's request to exempt individuals residing in Brooks, Cameron, Cottle, Dimmit, Duval, El Paso, Hidalgo, Jasper, Kinney, Liberty, Loving, Marion, Matagorda, Maverick, Newton, Orange, Panola, Presidio, Reeves, Starr, Tyler, Uvalde, Val Verde, Webb, Willacy, and Zavala Counties. All of the above counties have unemployment rates greater than 10 percent for either the 12-month or 3-month periods ending April 1997. Kinney County was originally waived on the basis of its designation as a Labor Surplus Area by the Employment and Training Administration of the Department of Labor, a primary indicator of insufficient job opportunities. Cottle and Liberty Counties were not included in waiver as originally approved.
10. **Regulatory or legislative basis for action:** The 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 has an unemployment rate over 10 percent or has insufficient jobs.
11. **Conditions and reasons:** N/A
12. **Information required for extension.** To receive an extension the State agency shall provide unemployment rate data for the affected areas compiled by its BLS cooperating agency.
13. **Expiration date:** This waiver is effective October 1, 1997, and expires on October 31, 1998.
14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Texas State agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** August 15, 1997
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**