

OCT 22 1998

970057 & 990002

SUBJECT: FSP - Texas - Request to Extend 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

TO: Albert M. McIlwain, Acting Regional Director
Food Stamp Program
Southwest Region

This is in response to the Texas State Agency's request to exempt individuals residing in 19 counties from Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 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.

We are approving the extension of Waiver #970057 for 18 counties in the State because they have unemployment rates greater than 10 percent for either the 12 month, 7 month, or 3 month periods ending August 1998. The unemployment rate for Val Verde County was under 10 percent. However, we were able to approve this county under Waiver #990002 as having insufficient jobs because Val Verde County was included in the list of Labor Surplus Areas identified by the Bureau of Labor Statistics for the period ending September 30, 1999.

Our response is attached. If you have any questions, please contact James Walsh of my staff at 703-305-2531.

Arthur Foley

Arthur T. Foley
Director
Program Development Division

Attachment

cc: John Knaus, Maurice Tracy, All Regions (except SWRO), Civil Rights
CPB, (circulate)

FNS:FSP:PDD:Jwalsh:final:10/21/98:va

FC: ABAWDS

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Waiver Response

1. **Waiver serial number:** 970057 and 990002
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 19 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. The State agency furnished a 12-month average unemployment rate for the period May 1997 through April 1998 for each of the counties. We obtained later County Unemployment figures from the Texas Labor Market Information for the period September 1997 through August 1998.

9. **Action and reason for approval or denial:** Waiver 970075: We are approving the State agency's request to exempt individuals residing in Brooks, Cameron, Dimmit, Duval, El Paso, Hidalgo, Jasper, Kinney, Loving, Marion, Matagorda, Maverick, Newton, Presidio, Starr, Uvalde, Willacy, and Zavala Counties. All of the above counties have unemployment rates greater than 10 percent for either the 12-month, 7-month, or 3-month periods ending August 1998. However, the unemployment rate for Val Verde County was under 10 percent for the 12-month, 7-month or 3-month periods ending August 1998.

Waiver 990002: We are exempting individuals in Val Verde County because this county has been identified by the Bureau of Labor Statistics as a Labor Surplus Area (LSA) and therefore has insufficient jobs.

10. **Regulatory or legislative basis for action:** These waivers are 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, 1998, and expires on September 30, 1999.
14. **Limitation on regional office approval of like requests:** Approval of these waivers 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:** July 31, 1998.
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**