

970283

SUBJECT: FNS - Virginia 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: Joseph Weingart, Director
Food Stamp Program
Mid-Atlantic Region

This is in response to the Virginia State Agency's request for an extension of waiver #970283 which exempted individuals residing in several counties and cities from the work requirement for able-bodied adults without dependents.

Please let us know which Counties or Cities decide not to implement this waiver.

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

Arthur T. Foley
Director
Program Development Division

Attachment

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

FCS:FSP:PDD:CPII:JWalsh:final:6/24/98:va
FILE: ABAWDS
DIR: I:WAIVERS:970283 - Memo

Waiver Response

1. **Waiver serial number:** 970283
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:** Virginia
6. **Region:** MARO
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; or did not 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 Virginia State Agency is requesting an extension to its original waiver for food stamp recipients who reside in areas which do not have a sufficient number of jobs to provide employment for individuals subject to Section 824 of PRWORA.

This waiver would allow an exemption from this requirement for groups of individuals who reside in areas designated as Labor Surplus Areas (LSAs) by the U. S. Department of Labor (DOL), Employment and Training Administration.

The current waiver includes the Counties of Accomack, Allegheny, Bath, Buchanan, Dickenson, Giles, Lee, Page, Pittsylvania, Russell, Smyth, Surry, Tazewell, Washington, and Wise, and the Cities of Covington, Danville, Norton and Williamsburg.

In the extension request the State agency is no longer requesting a waiver for Allegheny and Page Counties and the City of Covington. However, the State agency is adding the Counties of Charlotte, Essex, Halifax, Highland, Mecklenburg, Pulaski and Wythe.

9. **Action and reason for approval or denial:** We are approving this waiver extension for food stamp recipients who reside in the Counties of Accomack, Bath, Buchanan, Charlotte, Dickenson, Essex, Giles, Halifax, Highland, Lee, Mecklenburg, Pittsylvania, Pulaski, Russell, Smyth, Surry, Tazewell, Washington, Wise, and Wythe, and the Cities of Danville, Norton and Williamsburg, based on their designation as LSAs by the Department of Labor.
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 has an insufficient number of jobs to provide employment for the affected individuals.
11. **Conditions and reasons:** N/A
12. **Information required for extension:** Please submit supporting unemployment data which relies on standard BLS data and/or methods.
13. **Expiration date:** This waiver is extended for a period of 1 year and it expires on June 30, 1999.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Virginia State Agency.
15. **Quality Control Procedures:** There are no special quality control procedures needed in conjunction with this waiver.
16. **Date of national office action:**
17. **Date of State agency's request:** June 11, 1998
18. **Date of regional office transmittal of response to State agency:**