

MAR 29 2001

970225

SUBJECT: FSP -Alabama 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: Gil Camacho, Regional Director
Food Stamp Program
Southeast Region

This is in response to the request of February 23, 2001, from the Alabama State Agency 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. The State agency is requesting the waiver so that it may exempt individuals in 19 counties from the requirements of Section 6(o) of the Act, based on insufficient jobs for those individuals subject to the requirements of Section 6(o) of the Act. The counties have been designated as Labor Surplus Areas (LSAs) by the Department of Labor.

Our response is attached. If you have any questions, please contact Joseph M. Shea of my staff at 703-305-2513.

Arthur T. Foley
Director
Program Development Division

Attachment

cc: Maurice Tracy, All Regions (except SERO), PAD

USDA:FNS:FSP:PDD:CPB:JMShea:mcl
FILE: ABAWDs
DIR: I:\CPB\waiver\970225 EX & M 2001:3-28-31:

CPD177	5/15/01	3-28-01			
PDD	m. j. [unclear]	3/28/01			

OFFICIAL RECORD COPY

Waiver Response

1. **Waiver serial number:** 970225
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 (PRWORA) of 1996, P.L. 104-193.
4. **Secondary regulation citation:**
5. **State:** Alabama
6. **Region:** SERO
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 will 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 the individual was 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 Alabama State Agency has asked to extend and modify its existing waiver which exempts from this requirement individuals who reside in 24 counties: Bibb, Bullock, Choctaw, Clarke, Colbert, Conecuh, Covington, Escambia, Fayette, Franklin, Geneva, Hale, Jackson, Lamar, Lawrence, Macon, Marengo, Marion, Perry, Pickens, Sumter, Talladega, Walker and Winston, which were designated as Labor Surplus Areas (LSAs) by the Employment and Training Administration of the Department of Labor.

Of these 24 counties previously approved for exemption, three (Lawrence, Talladega, and Winston) are not listed on the LSA list for October 1, 2000, through September 30, 2001. The State agency did not request that these three counties continue to be exempted as LSAs.

Although approved as LSAs previously, and approvable as LSA because they are on the October 1, 2000, through September 30, 2001 list, the State agency has elected not to request continued exemptions for Marengo, Perry, Pickens, and Sumter

Counties.

The State agency has requested that two counties (Crenshaw and Monroe), which do appear on the list of LSAs for October 1, 2000, through September 2001, be added to the waiver based on their status as LSAs.

9. **Action and reason for approval or denial:** We are approving the State agency's request to exempt individuals in the 19 requested counties, Bibb, Bullock, Choctaw, Clarke, Colbert, Conecuh, Covington, Crenshaw, Escambia, Fayette, Franklin, Geneva, Hale, Jackson, Lamar, Macon, Marion, Monroe and Walker, all of which have been identified as LSAs by the Employment and Training Administration of the Department of Labor for October 1, 2000, through September 2001. Although other counties have been designated as LSAs, the State agency has elected to limit this request to the above 19 counties.
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 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:** Unemployment data which relies on standard Bureau of Labor Statistics data and/or methods, or updated information from the Department of Labor on LSAs.
13. **Expiration date:** This waiver is effective through March 31, 2002.
14. **Limitation on regional office approval of like requests:** This waiver is limited to the Alabama State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** February 23, 2001
18. **Date of regional office transmittal of State agency request to national office:** March 7, 2001
19. **Actual implementation date:**