

June 8, 2005

970057

SUBJECT: FSP- Texas Waiver Request- 7 CFR 273.24

TO: Ms. Judy Barron  
Regional Director, Food Stamp Program  
Southwest Region

This is in response to the Texas State agency's request to exempt individual residents in 13 counties from the work requirements of 7 CFR 273.24. The waiver has been approved through September 30, 2006.

The state requested a waiver for 13 counties because the areas had recurring high unemployment which exceeded 10 percent. The requested counties, however, have been designated Labor Surplus Areas (LSA) for Fiscal Year 2005 by the Bureau of Labor Statistics. This designation provides an automatic exemption from the work requirements of 7 CFR 273.24. Our detailed response is attached.

If you have any questions, please contact Dwight Ricker at 703-305-2608.

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch

FINAL: USDA: FNS: FSP: PDD: CBP: Dricker: 05/20/05: so  
DIR: I: CPB/Waivers/2005:970057 TX ABAWD

## WAIVER REQUEST

1. **Waiver serial number:** 970057
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24
4. **Secondary regulation citation:** N/A
5. **State:** Texas
6. **Region:** SWRO
7. **Regulation Requirements:** 7 CFR 273.24 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 the requirements of a program under section 20 or a comparable program established by the State.  
  
It also provides that, upon 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. **Proposed alternative procedures:** Texas proposes to exempt from this requirement individuals who reside in counties that have an unemployment rate in excess of 10 percent. Historical unemployment figures were obtained from the U.S. Department of Labor Bureau of Labor Statistics web-site.
9. **Action and reason for approval or denial:** The requested counties have been designated Labor Surplus Areas by the Bureau of Labor Statistic for Fiscal Year 2005. Therefore, all 13 counties are readily approvable. They are: Dimmit, Hidalgo, Jasper, Liberty, Matagorda, Maverick, Newton, Orange, Presidio, Sabine, Starr, Willacy, and Zavala counties.
10. **Regulatory or legislative basis for action:** This waiver is approved under 7 CFR 273.24(f), which allows FNS to waive the applicability of the work requirement provision for any group of individuals in the State if FNS determines that the area in which the individual resides does not have sufficient jobs.

11. **Conditions and reasons:** None
  
12. **Information required for extension:** Provide unemployment rate data for the affected areas, which is compiled by the Bureau of Labor Statistics, or a cooperating agency, which indicates an unemployment rate of 10 percent or a lack of sufficient jobs.
  
13. **Expiration date:** September 30, 2006
  
14. **Limitation, if any, on regional office approval of like requests:** This waiver is limited to the Texas State agency.
  
15. **Quality Control procedures:** None
  
16. **Date of national office action:**
  
17. **Date of state agency's request:** May 2, 2005
  
18. **Dates of regional office transmittal of request to national office:**