

# Waiver Request

1. **Waiver serial number:**  
970152
2. **Type of request:**  
Modification and Extension
3. **Primary regulation citation, if any:**  
Section 6 (o) of the Food and Nutrition 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, if any:**  
7 CFR 273.24 (f)(2)(ii)
5. **State:**  
Nebraska
6. **Region:**  
Mountain Plains
7. **Regulatory requirements:**  
Section 6(o) of the Food and Nutrition 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 requirement 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 and Nutrition Act, as amended by Section 824 of 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 resides has an unemployment rate of over 10 percent, or does not have a sufficient number of jobs to provide employment for the individuals.

Under 7 CFR 273.24 (f)(2)(ii), a State may support a claim of lack of sufficient jobs by submitting evidence that an area: is designated as a Labor Surplus Area (LSA) by the Department of Labor's Employment and Training Administration (ETA); is determined by the Department of Labor's Unemployment Insurance Service as qualifying for extended unemployment benefits; has a low and declining employment-to-population ratio; has a lack of jobs in declining occupations or industries; is described in an academic study or other publications as an area where there are lack of jobs; has a 24-month average unemployment rate 20 percent above the national average for the same 24-month period.

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**8. Proposed procedures:**

The State is requesting a 1-year waiver for individuals residing in Thurston County. Thurston County has been designated a Labor Surplus Area (LSA) by the United States Department of Labor for fiscal year 2012 and thus is eligible for a 1-year waiver. Additionally, the State requests to waive the residents of the Omaha and Winnebago Reservations. These two reservations make up the entire population of Thurston County, and the population residing in Thurston County makes up the overwhelming majority of the population of these reservations.

**9. Justification for request:**

Thurston County (where the overwhelming majority of the area and population of both the Omaha and Winnebago Reservations are located) has been designated a Labor Surplus Areas (LSA) by the United States Department of Labor for fiscal year 2012. Very small portions of both of these reservations are located in other counties (the Omaha Reservation in Burt and Cuming Counties, the Winnebago Reservation in Dixon County); less than ten percent of the populations of each of these reservations in Nebraska resides in those counties. We believe that these areas are so small that they would not affect the eligibility of these reservations as a whole for exemptions. Based on the 2010 5 year Community Survey of the U. S. Census, the Native American populations of Burt, Cuming, and Dixon Counties are very small: 1.1 percent, 2.4 percent, and 0.9 percent of the total populations of the respective counties.

**10. Anticipated impact on households and State agency operations:**

This waiver will provide consistency for households and State agency operations in areas where unemployment remains high.

**11. Caseload information, including percent, characteristic, and quality control error rate for affected portion:**

As of *July 31, 2012*, the caseload for these areas represents *.963%* of the caseload for the state. Please see part 9. There are no quality control procedures involved

**12. Anticipated implementation date and time period for which waiver is needed:**

October 1, 2012 through September 30, 2013.

**13. Proposed quality control review procedures:**

There are no special quality control procedures needed in conjunction with this waiver.

**14. Signature and title of requesting official:**

Pamela Schoenrock, Administrator

**15. Date of request:**

8/23/12