

March 22, 2006

970152

SUBJECT: FSP - Nebraska - Request to Waive 7 CFR 273.24(b)

TO: Jody Cornwell  
Regional Director  
Food Stamp Program  
Mountain Plains Region

This is in response to your memorandum of March 02, 2006, forwarding the Nebraska State Agency's request to extend its waiver of 7 CFR 273.24(b). 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.

Our response approving the waiver extension is attached. We are approving this waiver extension for individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations. Because of the small number of areas affected by this waiver and in recognition of their unique labor markets and chronically high unemployment, we are approving the waiver for a 2-year period.

If you have any questions, please contact Celeste Perkins of my staff at (703) 305-2507.

/s/

Harriet Kornegay  
Assistant Branch Chief  
Certification Policy Branch  
Program Development Division

Attachments

cc: PAD - QC  
Bob Dalrymple, OAE  
Civil Rights  
All Regions (except MPRO)

FINAL:USDA:FNS:FSP:PDD:CPB:CPERKINS:so  
DIR:I:CPB:Waivers: Fiscal Year 2006:970152 – NE ABAWD Ext. 2006

<b>Symbol</b>	<b>Surname</b>	<b>Date</b>	<b>Symbol</b>	<b>Surname</b>	<b>Date</b>

## WAIVER RESPONSE

1. **Waiver serial number:** 970152
2. **Type of request:** Extension
3. **Primary regulation citation:** 7 CFR 273.24(b)
4. **Secondary regulation citation:**
5. **State:** Nebraska
6. **Region:** Mountain Plains
7. **Regulatory requirements:** Under 7 CFR 273.24(b), 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 of the Act or a comparable program established by the State.

Under 7 CFR 273.24(f), upon the request of a State agency, FNS may waive the time limit for any group of individuals in the State if we determine 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:** The Nebraska State Agency is requesting an extension of waiver number 970152, under which individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations are currently exempt from the work requirement provisions of 7 CFR 273.24(b).
9. **Action and reason for approval or denial:** We are approving the waiver as requested. The overwhelming majority of the area and population of both the Omaha and Winnebago Reservations are located within Thurston County, which continues to be designated as a Labor Surplus Area by the Employment and Training Administration of Department of Labor (DOL). Based on the designation of the county as an LSA, we are approving exemptions for both reservations. Although very small portions of both reservations are located in other counties (the Omaha in Burt and Cuming Counties, the Winnebago in Dixon County), we consider these areas so small that they would not affect the eligibility of the reservations as a whole for exemptions.

We are approving this extension based on the supporting documentation that the data from the 2000 census, the Native American populations of Burt, Cuming, and Dixon Counties remain very small at 1.1 percent, 0.3 percent, and 0.5 percent of the total populations of the respective counties and will not affect the eligibility of the reservations as a whole.

As indicated below and from analyzing State agency spreadsheets submitted with the waiver request, the calculated unemployment rate is 7.0 percent for the Santee Sioux Reservation, located in Knox County. The State used census share ratios and unemployment rate data from the Bureau of Labor Statistics (BLS) web page. Therefore we are approving this waiver extension for individuals residing on the Santee Sioux Reservation based on an unemployment rate of 7.0 percent during calendar years 2003-2004 that is at least 20 percent above the national average of 5.8.

Area	Employed [2000 Census]				Unemployed [2000 Census]			
	Males	Females	Total [= Males + Females]	Census Share Ratio [= County Part / Whole County]	Males	Females	Total [= Males + Females]	Census Share Ratio [= County Part / Whole County]
Knox County	2,323	2,051	4,374	1.000000	111	56	167	1.000000
Santee Sioux Reservation	195	172	367	0.083904	14	16	30	0.179640

Area	2000 Census Share Ratio [from previous table]		CY 2003-2004 Whole County [from BLS]		CY 2003-2004 Calculated Reservation			
	Employed	Unemployed	Total Employed	Total Unemployed	Employed [= Whole County Employed * Census Share Ratio]	Unemployed [= Whole County Unemployed * Census Share Ratio]	Labor force [= Reservation Unemployed + Reservation Unemployed]	Unemployment rate [= Reservation Unemployed / Reservation Labor Force]
Santee Sioux Reservation	0.083904	0.179640	117,178	4,114	9,832	739	10,571	<b>7.0</b>

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to 7 CFR 273.24(f), which permit us to waive the applicability of the work requirement provision in 7 CFR 273.24(b) for any group of individuals in the State if we determine that the area in which the individuals reside have an unemployment rate over 10 percent or has insufficient jobs.

11. **Conditions and reasons:** N/A

12. **Information required for extension.** Please submit information that indicates that these areas have insufficient jobs.
13. **Expiration date:** As requested we are extending this waiver for a 2-year period ending April 30, 2008.
14. **Limitation on regional office approval of like requests:** Approval of this waiver is limited to the Nebraska State Agency.
15. **Quality Control Procedures:** N/A
16. **Date of national office action:**
17. **Date of State agency's request:** March 02, 2006
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**