

April 3, 2008

970152

SUBJECT: FSP - Nebraska - Request to Extend ABAWD Waiver 970152 for a 2-year period.

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

This is in response to your memorandum of March 12, 2008, forwarding the Nebraska State Agency's request to extend its waiver of 7 CFR 273.24 for a 2-year period. Nebraska wishes to waive 7 CFR 273.24 for individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations. 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. 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

Attachment

cc: All Regions (except MPRO)

FINAL:USDA:FNS:FSP:PDD:CPB:CPERKINS:rh:04/01/08
DIR:I:CPB:Waivers: Fiscal Year 2008:970152 – NE ABAWD Ext. 2008

WAIVER RESPONSE

1. Waiver serial number: 970152
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: 7 CFR 273.24 (f)(3)(iii)
5. State: Nebraska
6. Region: Mountain Plains
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 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 Stamp 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.

In addition, the FNS will approve 2-year State agency waivers under limited circumstances, targeting areas that qualified for waivers for two consecutive past years. In order to be eligible for a 2-year waiver, the area must meet at least one of the following criteria indicating that the area has experienced and will probably continue chronic high unemployment: an unemployment rate greater than 10 percent for the 2-year period immediately prior to the request; designation as a Labor Surplus Area (LSA) by the Department of Labor's Employment and Training Administration (DOLETA) for a

minimum of two consecutive fiscal years (the year of the request and the fiscal year prior to the request); or an unemployment rate

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greater than 20 percent above the national average for a 36-month period, ending no earlier than 3 months prior to the request.

8. Proposed alternative procedures: The Nebraska State Agency is requesting a 2-year extension of waiver 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(f)(3)(iii).

In addition the State is requesting to exempt from these requirements individuals residing in Thurston County. Thurston County has been designated a Labor Surplus Area (LSA) by the United States Department of Labor for fiscal years 2007 and 2008.

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.

Since the 2007 census information regarding the percent of the Native American populations of these counties is not yet available, 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.

The Santee Sioux Reservation has an average unemployment rate of at least 20 percent above the national average during a recent 36-month time period (January 2005 through December 2007). The calculated unemployment rate is 6.5 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) website. Therefore, we are approving the waiver extension for individuals residing on the Santee Sioux Reservation based on an unemployment rate of 6.5 percent that is at least 20 percent above the national average when the national average plus 20 percent was 5.8 during January 2005 through December 2007.

Area	Unemployment Rate, JAN 2005 – DEC 2007
Santee Sioux Reservation	6.5

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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: To receive and extension, the State agency must provide data from their State Department of Labor and Industrial Relations, its Bureau of Labor Statistics (BLS) cooperating agency, indicating that these areas had unemployment rates over 10 percent or do not have a sufficient number of jobs to provide unemployment for individuals residing in these areas.
13. Expiration date: We are extending this waiver for a 2-year period May 1, 2008 through April 30, 2010.
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 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: January 31, 2008
18. Date of regional office transmittal of response to State agency:
19. Actual Implementation Date: