

June 29, 2010

Jody Cornwell, Regional Director
Supplemental Nutrition Assistance Program
Food and Nutrition Service
Mountain Plains Region
1244 Speer Boulevard, Suite 903
Denver, CO 80204-35881

RE: Request for Extension of Waiver 970152

Dear Ms. Cornwell,

Section 6 (0) 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, provides that upon request of a State Agency the Secretary may waive the applicability of the above provision for areas in a state that do not have sufficient jobs to provide employment for individuals.

Enclosed is Nebraska Department of Health and Human Services' request for an extension of our waiver for the areas in Nebraska that continue to meet this criterion. The areas are the Omaha and Winnebago Reservations.

Please feel free to contact Teri Chasten, SNAP Administrator, at (402) 471-2738 or by e-mail at teri.chasten@nebraska.gov.

Respectfully,



Jill Schreck, EA Unit Administrator
Department of Health and Human Services

cc: Teri Chasten, Economic Assistance Administrator
Ed Matney, Policy Section Administrator

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 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, if any:**
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 two-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 two-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 two-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

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

8. Proposed procedures:

The State is requesting a 2-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 both fiscal years 2009 and 2010 and thus is eligible for a 2-year waiver. Finally, the State requests to waive for 2-years the residents of the Omaha and Winnebago Reservations. These two reservations make up an overwhelming majority of area and population within Thurston County.

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 years 2009 and 2010. 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). 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 2000 U. S. Census, the Native American populations of Burt, Cuming, and Dixon Counties are very small: 1.1 percent, 0.3 percent, and 0.5 percent of the total populations of the respective counties. See attached supporting information.

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 higher than the national average and employment to population ration continues to be low compared to the national average.

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

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, 2010 through September 30, 2012.

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:



Jill Schreck, EA Unit Administrator
Department of Health and Human Services

15. Date of request:

6.29.2010

Nebraska

THURSTON COUNTY QUALIFIES FOR 2-YEAR WAIVER BASED ON LSA DESIGNATION IN FY 2009 and FY 2010									
OMAHA AND WINNEBAGO RESERVATIONS QUALIFY FOR 2-YEAR WAIVER AS AN OVERWHELMING MAJORITY OF THURSTON COUNTY									
2000 CENSUS SHARE/1	EMPLOYED				UNEMPLOYED				
	MALES	FEMALES	TOTAL	CENSUS SHARE	MALES	FEMALES	TOTAL	CENSUS SHARE	
Omaha Reservation, Thurston County part	899	801	1,700	0.6666667	140	116	256	0.6975477	
Winnebago Reservation, Thurston County part	408	442	850	0.3333333	63	48	111	0.3024523	
Total	1,307	1243	2,550		203	164	367		
Thurston County	1,307	1,243	2,550		203	164	367		
# not residing in Thurston County	0	0	0						
% not residing in Thurston County	0.0%	0.0%	0.0%						
% Native American population in Burt County	1.1%								
% Native American population in Cuming County	0.3%								
% Native American population in Dixon County	0.5%								
1/Source: Census 2000, Census Bureau, Dept. of Commerce									
Underlying data are available at http://factfinder.census.gov/ , and are attached.									
Source: FY2009 and 2010 LSA Surplus List									
http://www.doleta.gov/programs/lisa.cfm									

Nebraska
Census Population

	Burt County, Nebraska	Cuming County, Nebraska	Dixon County, Nebraska
Total:	7,791	10,203	6,339
White alone	7,606	9,783	5,999
Black or African American alone	14	13	2
American Indian and Alaska Native	83	29	31
Asian alone	15	20	17
Native Hawaiian and Other Pacific Islander alone	2	3	0
Some other race alone	17	268	240
Two or more races	54	87	50
Share that is Native American	1.1%	0.3%	0.5%
Source: http://factfinder.census.gov/			

Nebraska

Census Share Data

[illegible]

Series Id: LAUCN31173003,LAUCN31173004,LAUCN31173005,LAUCN31173006

Not Seasonally Adjusted

Area: Thurston County, NE

Area Type: Counties and equivalents

State/Region/Division: Nebraska

Download:

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Year	Period	force	employment	unemployment	rate
2007	Jan	2975	2752	223	7.5
2007	Feb	2987	2782	205	6.9
2007	Mar	2980	2795	185	6.2
2007	Apr	3001	2822	179	6
2007	May	3023	2825	198	6.5
2007	Jun	3080	2853	227	7.4
2007	Jul	3025	2784	241	8
2007	Aug	2906	2721	185	6.4
2007	Sep	2971	2794	177	6
2007	Oct	3013	2847	166	5.5
2007	Nov	2988	2814	174	5.8
2007	Dec	2985	2824	161	5.4
2007	Annual	2994	2801	193	6.4
2008	Jan	2959	2765	194	6.6
2008	Feb	2943	2754	189	6.4
2008	Mar	2997	2802	195	6.5
2008	Apr	2991	2805	186	6.2
2008	May	3029	2834	195	6.4
2008	Jun	3076	2861	215	7
2008	Jul	3129	2888	241	7.7
2008	Aug	2991	2780	211	7.1
2008	Sep	2985	2791	194	6.5
2008	Oct	2999	2815	184	6.1
2008	Nov	2988	2794	194	6.5
2008	Dec	2985	2763	222	7.4
2008	Annual	3006	2804	202	6.7
2009	Jan	2962	2728	234	7.9
2009	Feb	2972	2749	223	7.5
2009	Mar	3054	2812	242	7.9
2009	Apr	3026	2774	252	8.3
2009	May	3133	2871	262	8.4
2009	Jun	3127	2824	303	9.7
2009	Jul	3299	2817	482	14.6
2009	Aug	3283	2831	452	13.8
2009	Sep	3189	2791	398	12.5
2009	Oct	3202	2814	388	12.1
2009	Nov	3205	2831	374	11.7
2009	Dec	3168	2808	360	11.4
2009	Annual	3135	2804	331	10.6
2010	Jan	3157	2768	389	12.3
2010	Feb	3156	2800	356	11.3
2010	Mar	3172	2834	338	10.7

E : Reflects revised inputs, reestimation, and new statewide controls.

P : Preliminary.

Source: Local Area Unemployment Statistics, Bureau of Labor Statistics, Dept. of Labor
Underlying data are at <http://www.bls.gov/lau/>, and attached.

Series Id: LNU01000000

Not Seasonally Adjusted

Series title: (Unadj) Civilian Labor Force Level

Labor force status: Civilian labor force

Type of data: Number in thousands

Age: 16 years and over

Years: 2000 to 2010

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2007	151924	151879	152236	151829	152350	154252	154871	153493	153400	153516	154035	153705	153124
2008	152828	152503	153135	153208	154003	155582	156300	155387	154509	155012	154624	154349	154287
2009	153445	153804	153728	153834	154336	155921	156255	154897	153617	153635	153539	152693	154142
2010	152957	153194	153660	153911									

Series Id: LNU03000000

Not Seasonally Adjusted

Series title: (Unadj) Unemployment Level

Labor force status: Unemployed

Type of data: Number in thousands

Age: 16 years and over

Years: 2000 to 2010

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
2007	7649	7400	6913	6532	6486	7295	7556	7088	6952	6773	6917	7371	7078
2008	8221	7953	8027	7287	8076	8933	9433	9479	9199	9469	10015	10999	8924
2009	13009	13699	13895	13248	13973	15095	15201	14823	14538	14547	14407	14740	14265
2010	16147	15991	15678	14609									

Source: Current Population Survey, Bureau of Labor Statistics, Dept. of Labor
Underlying data are available at www.bls.gov/cps/, and are attached.