



United States
Department of
Agriculture

Food and
Nutrition
Service

Mountain
Plains
Region

1244 Speer Boulevard, Suite 903
Denver, Colorado 80204-3585

NOV 30 2010

To: Lizbeth Silbermann
From: Jody Cornwell
Subject: SNAP – Request to Renew Waiver No. 970152 (adding Thurston County)
– Nebraska

Attached is a waiver extension request dated November 22, 2010, from the Nebraska Department of Health and Human Services requesting extension of waiver #970152 that allows the State agency to waive 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. This section limits the receipt of food stamp benefits to three months within a three-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 workforce. The waiver allows the State agency to waive work requirements in areas in a state that do not have sufficient jobs to provide employment for individuals.

Nebraska is requesting to add Thurston County to the prior waiver as an area that continues to meet the labor surplus area. Thurston County was erroneously omitted from the prior waiver that was approved on October 4, 2010.

Based on the justification submitted and the previous approval of this waiver, we recommend approval of the waiver extension. If there are any questions concerning this request or if additional information is needed, please contact Lisa Amaro-Rife at (303) 844-0340 or by e-mail at lisa.amaro-rife@fns.usda.gov.

Sincerely,

JODY CORNWELL
Regional Director
Supplemental Nutrition Assistance Program

Encl: Nebraska's Request for Extension of Waiver #970152 of Section 6(0) of the Food Stamp Act, amended by Section 824 of PRWORA of 1996 dated November 22, 2010

cc: Angela Kline
Patrick Lucrezio

MPSNAP: FS 10-1-1 LAR

AN EQUAL OPPORTUNITY EMPLOYER

[Handwritten signature]

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

November 22, 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.

Attached is Nebraska Department of Health and Human Services' request for an extension of our waiver for an additional area in Nebraska that continues to meet this criterion. The area is Thurston County.

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

Respectfully,



Teri Chasten, Economic Assistance Administrator
Division of Children and Family Services

cc: Jill Schreck, Economic Assistance Unit Administrator
Ed Matney, Policy Section Administrator

Nebraska

THURSTON COUNTY QUALIFIES FOR 2-YEAR WAIVER BASED ON LSA DESIGNATION IN FY 2009 and FY 2010

Nebraska

Source: <http://tractfinder.census.gov/>

NOT Seasonally Adjusted

Download:

 .xls

Year	Period	labor 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

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2007	151924	151879	152235	151829	152350	154252	154871	153493	153400	153516	
2008	152828	152503	153135	153208	154003	155582	156300	155387	154509	155012	
2009	153445	153804	153728	153834	154335	155921	156255	154897	153517	153635	
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

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
2007	7649	7400	6913	6532	6486	7295	7555	7088	6952	6773	
2008	8221	7953	8027	7287	8076	8933	9433	9479	9199	9469	
2009	13009	13599	13895	13248	13973	15095	15201	14823	14538	14547	
2010	15147	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.

154035	153705	153124
154024	154349	154287
153539	152693	154142

8917	7371	7078
10075	70999	8924
14407	14740	14255

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 alone	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/			

JAN 5 2011
970152

SUBJECT: Nebraska Waiver Request – Exemption of ABAWD Work Requirement
Time Limits at 7 CFR 273.24 – Modification - Approval

TO: Jody Cornwell
Regional Director
Supplemental Nutrition Assistance Program
Mountain Plains Region

Food and Nutrition Service (FNS) has reviewed Nebraska's November 22, 2010, request to modify waiver #970152 to exempt individuals who reside in Thurston County from ABAWD time limits for two years. On September 30, 2010, FNS approved waiver #970152 to exempt individuals who reside on the Omaha and Winnebago Reservations from ABAWD time limits for two years, from October 1, 2010, through September 30, 2012. Since these two reservations are almost entirely contained within Thurston County, our September 30, 2010, approval was based on Thurston County's designation as a Labor Surplus Area (LSA) by the United States Department of Labor for fiscal years 2009 and 2010.

Subsequent to our approval, Nebraska on November 22, 2010, requested that in light of Thurston County's designation as an LSA by the United States Department of Labor for fiscal years 2009 and 2010 FNS modify its previous approval to include Thurston County. Since Nebraska seeks to add Thurston County to the previous waiver requested and approved on September 30, 2010, FNS is using the LSA designation for fiscal years 2009 and 2010 to evaluate and approve Nebraska's November 22, 2010, waiver request.

Based on our review of the data provided with the waiver request, FNS finds that the request is consistent with Department of Labor Bureau of Labor Statistics data and that Thurston County will not be subject to the ABAWD time limit for the effective dates described further herein. FNS is approving the waiver for two years, from October 1, 2010, through September 30, 2012, as described in the attachment.

If you have any questions, please contact Jessica Becker at jessica.becker@fns.usda.gov or at (703) 305-2446.

Angela Kline
Chief
Certification Policy Branch
Program Development Division

Attachment

cc: ABAWD Waivers E-Mail Distribution List JCPB list

FINAL:FNS:SNAP:PDD:CPB:JessicaBecker:je:703-305-2466:1/2/2011

FILE:S:SNAP ALL:PDD_FY11:Waivers: 970152 NE ABAWD Ext and Mod.

Symbol	Surname	Date	Symbol	Surname	Date
	J Becker	1.4.2011			
	Jy	1-4-11			

OFFICAL RECORD COPY

WAIVER RESPONSE

1. **Waiver serial number:** 970152
2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** N/A
5. **State:** Nebraska
6. **Region:** Mountain Plains
7. **Regulatory requirements:** 7 CFR 273.24 provides that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) 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; did not participate in and comply with requirements of a program under Section 20 of the Food and Nutrition Act or a comparable program established by the State; or was exempt from these requirements.

7 CFR 273.24(f) also provides that, upon the request of a State agency, the Food and Nutrition Service (FNS) 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.

FNS imposes strict criteria for the approval of two-year waivers that target areas that qualified for ABAWD waivers for two consecutive past years. In order to be eligible for a 2-year waiver, the affected 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 greater than 20 percent above the national average for a 36-month period, ending no earlier than three months prior to the

request (please note that this time frame is different and more restrictive than the 24-month time frame used for waivers in which the State is requesting a waiver for a one-year period).

8. **Proposed alternative procedures:** The Nebraska State Agency is requesting a modification and extension of its waiver to exempt from ABAWD requirements individuals residing in Thurston County. Thurston County has been designated an LSA by the United States Department of Labor for fiscal years 2009 and 2010.
9. **Action and reason for approval or denial:**

We are approving the waiver as requested. Thurston County has been designated by the Employment and Training Administration of Department of Labor (DOL) as an LSA for fiscal years 2009 and 2010. Based on the designation of the county as an LSA, we are approving exemption for two years.
10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f).
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension, the State agency must provide data or other information as described in 273.24(f)(2) and (f)(3). If Nebraska wishes to receive an extension based on unemployment rates, they must provide FNS with all supporting documentation, including spreadsheets in digital form.
13. **Expiration date:** The waiver is effective beginning on October 1, 2010 and will expire on September 30, 2012.
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:** January 4, 2010
17. **Date of State agency's request:** November 22, 2010
18. **Date of regional office transmittal of request to national office:**
19. **Date of regional office transmittal of response to State agency:**
20. **Actual implementation date:**



United States
Department of
Agriculture

JAN 5 2011

970152

Food and
Nutrition
Service

SUBJECT: Nebraska Waiver Request – Exemption of ABAWD Work Requirement
Time Limits at 7 CFR 273.24 – Modification - Approval

3101 Park
Center Drive

TO: Jody Cornwell
Regional Director
Supplemental Nutrition Assistance Program
Mountain Plains Region

Alexandria, VA
22302-1500

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Angela Kline
Chief
Certification Policy Branch
Program Development Division

Attachment

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2. **Type of request:** Extension and Modification
3. **Primary regulation citation:** 7 CFR 273.24(f)
4. **Secondary regulation citation:** N/A
5. **State:** Nebraska
6. **Region:** Mountain Plains
7. **Regulatory requirements:** 7 CFR 273.24 provides that no individual shall be eligible to participate in the Supplemental Nutrition Assistance Program (SNAP) 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; did not participate in and comply with requirements of a program under Section 20 of the Food and Nutrition Act or a comparable program established by the State; or was exempt from these requirements.

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- 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 (please note that this time frame is different and more restrictive than the 24-month time frame used for waivers in which the State is requesting a waiver for a one-year period).

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10. **Regulatory or legislative basis for action:** The waiver is approved pursuant to 7 CFR 273.24(f).
11. **Conditions and reasons:** None.
12. **Information required for extension:** To receive an extension, the State agency must provide data or other information as described in 273.24(f)(2) and (f)(3). If Nebraska wishes to receive an extension based on unemployment rates, they must provide FNS with all supporting documentation, including spreadsheets in digital form.
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