

MAY 06 1998

Jessie Rasmussen
Director
Department of Health and Human Services
P.O. Box 95044
Lincoln, Nebraska 68509-5044

Dear Ms. Rasmussen:

Please refer to your March 16, 1998 letter requesting an extension of Waiver No. 970152. Under this waiver, individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations are exempt from the work requirement provision of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act.

Enclosed is the response to your request. The waiver is approved through April 30, 1999. Please note the information needed if you should request another extension. Any extension request must be received in this office no later than February 28, 1999.

If we may be of any further assistance, members of your staff may contact Kathie Herrman at (303) 844-0347.

Sincerely,

**Original Signed by
Allan C. Nickels**

ALLAN C. NICKELS
Regional Director
Food Stamp Program

Enclosure

cc: Harold Wheeler, Quality Control, HHS Regulation and Licensure, Nebraska
Health and Human Services System, Lincoln, Nebraska

Gina Dunning, Director, HHS Regulation and Licensure, Nebraska Health
and Human Services System, Lincoln, Nebraska

bcc: ~~✓~~ Arthur T. Foley, Director, Program Development Division, Food Stamp
Program, Food and Consumer Service, USDA, Alexandria, Virginia
FNS Field Office, Lincoln, Nebraska

Donna Appleton, Senior Program Specialist, Quality Control Unit, FSP, MPRO
Martha Prince, Program Technician, Program Operations Section, FSP, MPRO

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 (PL 104-193)
4. **Secondary regulation citation:**
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 PRWORA, 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 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 or a comparable program established by the State.

Section 6(o) of the Food Stamp Act, as amended by Section 824 of the 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 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 to extend waiver number 970152 which exempted individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations from the work requirement provisions of Section 6(o) of the Food Stamp Act.
9. **Action and reason for approval or denial:** The State agency stated that the Omaha and Winnebago Reservations lie within Thurston County which has been designated by the Department of Labor (DOL) as a Labor Surplus Area (LSA). Upon further research, we have learned that the Reservations cross county lines. The Omaha Reservation lies within Thurston, Burt, and Cuming Counties. The Winnebago Reservation lies within Thurston and Dixon Counties. However, after analyzing census share data, we have determined that 99 percent

of the Native American population that resides on the Omaha and Winnebago Reservations do so within the borders of Thurston County. Since Thurston County has been identified by the DOL as an LSA, we are approving a waiver of the time limits of 6(o) for individuals who reside on the Omaha and Winnebago Reservations.

The State agency also requested that individuals who reside on the Santee Sioux Reservation be exempt from the time limits. The State agency pointed out that it submitted employment-to-population ratio based on Bureau of Indian Affairs (BIA) labor force data with its original request last year. The employment-to-population ratio for the Santee Sioux Reservation was 24 percent in 1996. The BIA has yet to release updated labor force data. However, the State agency contends that employment continues to be chronically low and conditions on the reservation have changed little in the past year. In addition, we computed an unemployment rate based on census share data using a method approved by the DOL. The unemployment rate for the Santee Sioux Reservation is currently 16.7 percent. Therefore, based on this information we are approving a waiver of the time limits of section 6(o) for individuals residing on the Santee Sioux Reservation based on an unemployment rate over 10 percent.

10. **Regulatory or legislative basis for action:** This waiver is approved pursuant to Section 6(o) of the Food Stamp Act, as amended by Section 824 of the PRWORA, which allows the Secretary to waive the applicability of the work requirement provision in Section 6(o) for any group of individuals in the State if the Secretary makes a determination 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 which indicates that these areas have insufficient jobs.
13. **Expiration date:** This waiver expires on April 30, 1999.
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:** APR 20 1998
17. **Date of State agency's request:** March 16, 1998
18. **Date of regional office transmittal of response to State agency:** MAY 06 1998
19. **Actual Implementation Date:**