

MAY 20 1999

970152

SUBJECT: FSP - Nebraska - Request to Waive Section 6(o) of the Food Stamp Act, as Amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996

TO: Allan C. Nickels, Regional Director
Food Stamp Program
Mountain Plains Region

This is in response to your memorandum of April 8, 1999, forwarding the Nebraska State Agency's request to extend its waiver of Section 6(o) of the Food Stamp Act, as amended by Section 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 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 is attached. We are approving a waiver for individuals residing on the Santee Sioux, Omaha, and Winnebago Indian Reservations. If you have any questions, please contact Larry Tropp of my staff at 703-305-2437.

Arthur T. Foley

Arthur T. Foley
Director
Program Development Division

Attachments

cc: Carolyn Foley Bob Dalrymple - OAE
Retha Oliver Mike Depiro - OAE
Maurice Tracy Civil Rights
All Regions (except MPRO)

FNS:FSP:PDD:CPB:LTROPP:FINAL:5/17/99:va
DIR: I:CPB:970152/970152 - Memo - 1999 extension

Symbol	Surname	Date	Symbol	Surname	Date
ADP	T. Foley	5/17/99			
ADP	R. Oliver	5/17/99			
ADP	M. Tracy	5/17/99			

OFFICIAL RECORD COPY

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 overwhelming majority of the area and population of both the Omaha and Winnebago Reservations is located within Thurston County which has been designated by the Employment and Training Administration of Department of Labor (DOL) as a Labor Surplus Area (LSA). 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 calculated the unemployment rate at 17.7 percent for the Santee Sioux Reservation, located in Knox County, using census share ratios and unemployment rate data from the State web page. 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 is approved retroactive to May 1, 1999, and will expire on April 30, 2000.
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 12, 1999
18. **Date of regional office transmittal of response to State agency:**
19. **Actual Implementation Date:**