A photograph of two construction workers at a site. The worker on the left is wearing a white hard hat and a red polo shirt, leaning over and using a screwdriver on a pipe. The worker on the right is wearing a yellow hard hat and a dark t-shirt, looking towards the left. The background shows a construction site with a metal fence and trees under a blue sky. A vertical yellow line is on the right side of the image.

# How the Trump Administration can Cut Down on Waivers Gone Wild

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# KEY FINDINGS

1

STATES ARE USING GIMMICKS TO WAIVE FOOD STAMP WORK REQUIREMENTS.



2

A PROPOSED RULE FROM THE TRUMP ADMINISTRATION WOULD CRACK DOWN ON THIS WAIVER ABUSE BUT HAS SOME GAPS.



3

THE PROPOSED RULE WOULD ALLOW SOME WAIVER ABUSE TO CONTINUE AND COULD UNINTENTIONALLY MAKE IT WORSE IN SOME AREAS.



4

USING COMMUTING ZONES AS A BASIS FOR EVALUATING WAIVER REQUESTS WOULD FURTHER STRENGTHEN THE CURRENT PROPOSAL.



5

BY MAKING THIS CHANGE, THE TRUMP ADMINISTRATION COULD EXPAND WORK REQUIREMENTS TO NEARLY TWO MILLION MORE ABLE-BODIED ADULTS.



## BOTTOM LINE:

TIGHTENING UP THIS NEW FEDERAL RULE WILL HELP MOVE MORE ABLE-BODIED ADULTS FROM WELFARE TO WORK.

## Background

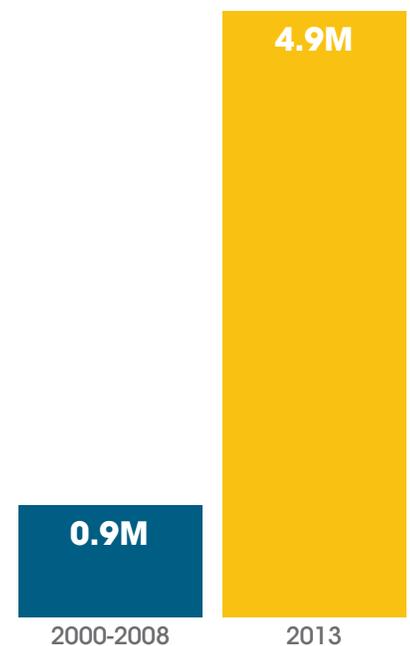
Despite near record-low unemployment, the number of able-bodied adults without dependents on food stamps remains near record highs.

From 2000 through 2008, the number of able-bodied, childless adults receiving food stamps hovered at or below one million.<sup>1</sup> But by 2013, a record-high 4.9 million able-bodied, childless adults were receiving food stamps.<sup>2</sup> Since then, enrollment has only dropped slightly, despite a growing economy.<sup>3</sup> States report that 4.1 million of these able-bodied, childless adults are expected to be enrolled in the program over the course of fiscal year 2019.<sup>4</sup>

Although federal law requires these able-bodied adults to work, train, or volunteer at least part-time in order to remain on the program, states have used loopholes and gimmicks to waive these requirements.<sup>5</sup>

When Congress passed work requirements into law in 1996, it gave the Secretary of the United States Department of Agriculture (USDA) the authority to waive work requirements in areas that had unemployment rates above 10 percent or otherwise lacked job opportunities for these able-bodied adults.<sup>6</sup> But rulemaking by Clinton-era bureaucrats led to a regulation that is far more expansive than intended, creating loopholes and gimmicks for states to continue waiving work requirements for millions of able-bodied adults, even during periods of record economic growth.<sup>7</sup> Worse yet, the Obama administration actively pressured states into waiving the requirement and keeping as many able-bodied adults trapped in dependency as possible.<sup>8</sup> As a result, these commonsense requirements are waived wholly or partially in 33 states and the District of Columbia, exempting nearly 2.6 million able-bodied adults.<sup>9-12</sup>

### THE NUMBER OF ABLE-BODIED CHILDLESS ADULTS RECEIVING FOOD STAMPS SKYROCKETED TO 4.9 MILLION IN 2013



Source: Authors' calculations

“  
Seventy-one  
of the state’s  
101 waived  
counties have  
unemployment  
rates at or  
below five  
percent, with  
19 of these  
counties  
having  
unemployment  
below four  
percent. Not  
a single Illinois  
county has  
unemployment  
above the  
10 percent  
statutory  
threshold.”



## States are gerrymandering jurisdictions together to waive the work requirement

Although the food stamp statute allows states to request waivers in specific areas with high unemployment, current rules go even further, allowing states to combine counties, cities, and other jurisdictions together to form a single “area” for waiver purposes.<sup>13</sup> This loophole has led states to abuse this flexibility by gerrymandering areas together to waive the work requirement for as many able-bodied adults as possible.<sup>14</sup>

Officials from multiple states have admitted that they request “waivers in as many parts of the State as possible” as a way to “minimize the areas” subject to the work requirement.<sup>15</sup> States also often rely on software or analyses prepared by progressive advocacy groups, including the pro-dependency Center on Budget and Policy Priorities, which are specifically designed to maximize the number of people states can exempt from the work requirement through waivers.<sup>16-17</sup>

### ILLINOIS’ WILD WAIVER

Illinois received a waiver by combining all counties except one into a single “area,” despite the fact that many counties did not independently qualify.<sup>18</sup> This logic assumes that there are only two economic “areas” in the state: DuPage county—part of the Chicago metropolitan area—and the rest of the state. The waiver treats cities like Belleville and Bolingbrook, Chicago and Cairo, and Marion and Moline as if they are all part of the same economic region, despite the fact that these cities are hundreds of miles apart.

More troubling, most waived Illinois counties do not independently qualify for the waiver.<sup>19</sup> The state’s waived counties have unemployment rates as low as 2.4 percent, with many counties at or near record lows.<sup>20</sup> In fact, 71 of the state’s 101 waived counties have unemployment rates at or below five percent, with 19 of these counties having unemployment below four percent.<sup>21</sup> **Not a single Illinois county has unemployment above the 10 percent statutory threshold.**<sup>22</sup> Some waived counties even have unemployment rates that are lower than the unemployment rate in the single non-waived county.<sup>23</sup>

## CALIFORNIA'S WILD WAIVER

California received a waiver combining all of its counties except three into a single “area,” but many of these counties did not independently qualify.<sup>24</sup> This assumes that there are only two economic “areas” in the entire state: San Francisco, San Mateo, and Santa Clara—part of the San Francisco metropolitan area—and the rest of the state. The waiver treats Sacramento and San Diego, and Lakeport and Long Beach as if all are part of the same economic region.

Some of the state’s waived counties have unemployment rates as low as 2.2 percent, with many counties at or near record lows.<sup>25</sup> In fact, 38 of the state’s 55 waived counties have unemployment rates at or below five percent, with 24 of these counties having unemployment below four percent.<sup>26</sup> Just two waived counties have unemployment above the 10 percent statutory threshold.<sup>27</sup> Some waived counties even have unemployment rates that are lower than the unemployment rate in the three non-waived counties.<sup>28</sup>

## USDA is moving to end gerrymandering and other waiver abuse

In December 2018, the Trump administration released a draft rule that would crack down on states’ waiver abuse.<sup>29-30</sup> In the draft rule, USDA noted that states have “maximized the number of areas or people covered by waivers” by creating “questionable self-defined economic areas with gaping holes.”<sup>31</sup> In order to rein in this abuse, USDA has proposed limiting states’ ability to combine jurisdictions together for waiver purposes unless those jurisdictions collectively form a labor market area.<sup>32</sup>

This proposed change is intended to ensure that areas that do not lack sufficient jobs do not continue to receive waivers.<sup>33</sup> It is designed to reduce the amount of gerrymandering states may do in areas where high unemployment jurisdictions are grouped with low unemployment areas that would not otherwise qualify.<sup>34</sup> It is also designed to stop states from waiving work requirements in booming labor market areas solely because they omitted certain jurisdictions within those areas in order to qualify.<sup>35</sup> Ending states’ abuse of this process would help restore these waivers’ original purpose, as Congress never intended to exempt able-bodied adults from the work requirement in areas of low unemployment or in areas where jobs are available within a reasonable commuting area.

“Congress never intended to exempt able-bodied adults from the work requirement in areas of low unemployment or in areas where jobs are available within a reasonable commuting area.”

”

“

The number of able-bodied adults exempt from the work requirement as a result of these waivers would have dropped by nearly 37 percent.

”

## Impact of the proposed rule in its current form

The proposed rule represents a significant step in the right direction. In January 2019, states were waiving work requirements in more than 1,200 counties, cities, towns, or other jurisdictions.<sup>36-40</sup> Had the new limit on combining areas been in effect during the most recent round of waiver approvals, 475 of these jurisdictions would not have been approved, a drop of nearly 40 percent.<sup>41-46</sup> The number of able-bodied adults exempt from the work requirement as a result of these waivers would have dropped by nearly 37 percent.<sup>47</sup>

## The proposed rule would still allow states to abuse waivers by combining some areas

While the draft rule is a significant improvement over the status quo, it leaves in place certain loopholes that some states are likely to exploit in order to exempt as many able-bodied adults as possible from the work requirement. For example, under the draft rule, states can still combine jurisdictions in order to waive the work requirement in areas with record-low unemployment, so long as the combined area meets the U.S. Department of Labor's definition of a labor market area.<sup>48</sup>

In southwest Georgia, the Albany metropolitan labor market area would continue to qualify for a waiver, despite the fact that only three of the area's five counties would independently meet waiver criteria.<sup>49-52</sup>

Likewise, the entire Hinesville labor market area in southeast Georgia would continue to qualify for a waiver, even though only one county within that area could qualify on its own.<sup>53-56</sup>

In the Macon-Bibb metropolitan labor market area in central Georgia, just three of the area's five counties independently qualify for a waiver.<sup>57-59</sup> But because these areas would qualify when grouped together, state officials would be able to continue to waive the work requirements in all five counties.<sup>60-61</sup>

In the Ottawa-Peru labor market area in northern Illinois, only one county would independently qualify for a waiver.<sup>62-64</sup> But because the labor market area as a whole would qualify, state officials would be able to continue to waive the work requirement in counties that do not lack a sufficient number of jobs or job openings.<sup>65</sup>

Likewise, the entire Peoria metropolitan labor market area in central Illinois would continue to qualify for a waiver, even though some counties within that area—such as Woodford County—could not qualify on their own.<sup>66-69</sup>

In northwest Louisiana, the entire Shreveport-Bossier City labor market area would continue to qualify for a waiver, despite the fact that some parishes in the area could not independently meet waiver criteria.<sup>70-73</sup>

In the Buffalo metropolitan labor market area in northwest New York, only one county would independently qualify for a waiver, but state officials would still be able to waive the requirement in the entire combined area.<sup>74-77</sup>

And in north-central Washington, the entire Wenatchee labor market area would continue to qualify for a waiver, even though only one county within the area would independently qualify.<sup>78-81</sup>

“ While the draft rule is a significant improvement over the status quo, it leaves in place certain loopholes that some states are likely to exploit in order to exempt as many able-bodied adults as possible from the work requirement. ”

## The proposed rule could unintentionally push states to expand their waivers

By allowing states to continue combining jurisdictions but requiring them to waive the requirement in the entire labor market area, the draft rule could unintentionally cause states to wrap even more counties in their waivers that would not otherwise be added and do not independently qualify. For example, a state wishing to waive the work requirement in just two counties in the state could be forced to increase the size of its waiver to encompass the entire labor market area if it needs to combine those counties in order to qualify.

Georgia currently waives three of the four counties in the Columbus metropolitan labor market area in west-central Georgia along the Alabama border.<sup>82-84</sup> Under the draft rule, Georgia would be required to add Harris County to its waiver if it wished to combine the other three counties for waiver purposes, despite the fact that Harris County would not independently qualify—due to low unemployment—if not grouped with the rest of the labor market area.<sup>85-87</sup>

Likewise, Georgia currently waives the work requirement in four of five counties in the Macon-Bibb metropolitan labor market area in central Georgia.<sup>88-90</sup> The draft rule would require state officials to add Jones County to its waiver if it wished to continue combining these areas for waiver purposes, even though Jones County would not qualify on its own.<sup>91-93</sup>

New York currently waives the work requirement in part of the Binghamton metropolitan labor market area in southern upstate New York along the Pennsylvania border, but excludes one county with low unemployment from the grouped area.<sup>94-96</sup> Under the draft rule, New York could add Tioga County to its waiver, despite the fact that it would not independently qualify if not grouped with the rest of the labor market area.<sup>97-99</sup>

Similarly, state officials currently waive the work requirement in two of the five counties in the Cleveland metropolitan area in northeastern Ohio.<sup>100-102</sup> Under the draft rule, Ohio could add the remaining three counties in the area to its waiver, despite the fact that none of the three would qualify on their own due to low unemployment.<sup>103-105</sup>

Altogether, nearly 40 jurisdictions that could still be waived under the labor market area rule would not qualify for waivers on their own.<sup>106</sup>

“  
The draft rule could unintentionally cause states to wrap even more counties in their waivers that would not otherwise be added and do not independently qualify.  
”

## The proposed rule would still allow states to waive work requirements in areas with open jobs

While the intent of the draft rule is to prohibit areas that do not lack sufficient jobs from receiving waivers, the language does not go far enough to ensure this becomes a reality. The restrictions in the draft rule do limit states from combining areas together unless they are part of the same labor market area.<sup>107</sup> However, this does not stop states from continuing to waive the work requirement in individual counties within those labor market areas, even when the wider area has record-low unemployment and would not qualify.

Cook County—Illinois' largest county—independently qualified for a waiver during the last submission period.<sup>108-109</sup> But the larger Chicago labor market area had a lower unemployment rate and would not have collectively qualified.<sup>110</sup>

In fact, the Chicago metropolitan area had nearly 160,000 open jobs posted online in December 2018, the month before its waiver went into effect.<sup>111</sup> But because the draft rule does not limit waivers in broader economic areas that do not collectively qualify, state officials would be able to continue to waive the work requirement.

In Georgia, Clayton County independently qualified for a waiver during the last submission period.<sup>112-113</sup> But the larger Atlanta labor market area in which Clayton County sits has record-low unemployment and would not have collectively qualified.<sup>114</sup> In fact, the Atlanta metropolitan area had nearly 114,000 open jobs posted online in December 2018, the month before its waiver went into effect.<sup>115</sup> But because the draft rule does not limit waivers in broader economic areas that do not collectively qualify, state officials would be able to continue to waive the work requirement.

Similar patterns appear in and around Baltimore, Boston, Chicago, Knoxville, Minneapolis, New Orleans, New York City, Philadelphia, St. Louis, Seattle, and Washington, D.C. metropolitan areas.

Altogether, nearly 200 of the jurisdictions that could still be waived under the labor market area rule would not qualify for waivers on their own or are located in a labor market area that does not qualify itself.<sup>116</sup>

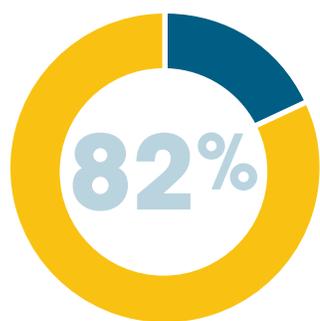
**THE ATLANTA METROPOLITAN AREA HAD NEARLY 114,000 OPEN JOBS POSTED ONLINE IN DECEMBER 2018, THE MONTH BEFORE ITS WAIVER WENT INTO EFFECT.**



## POSSIBLE SOLUTION: Require the entire labor market area to qualify

One possible solution to this problem would be to adopt a rule that prohibits states from combining areas for waiver purposes and does not allow states to waive work requirements unless the broader labor market areas collectively qualify for the waiver.

Had such a rule been in effect during the most recent round of waiver approvals, nearly 700 of these jurisdictions would not have been approved, a drop of nearly 55 percent.<sup>117</sup> The number of able-bodied adults exempt from the work requirement as a result of these waivers would have dropped by more than 62 percent.<sup>118</sup>



**NEARLY 82 PERCENT OF LABOR MARKET AREAS REPORTED BY BLS CONTAIN JUST A SINGLE COUNTY.**

## BETTER SOLUTION: Use commuting zones as the criterion for evaluating waivers

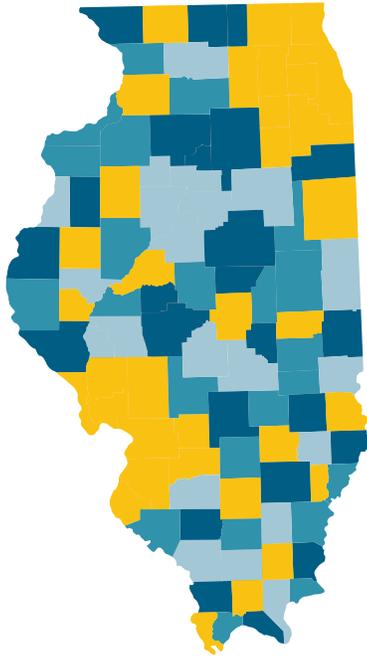
Labor market areas are not necessarily the best measure of whether there are sufficient jobs in a particular region. While labor market areas may provide a reasonable view of commuting flows in urban and metropolitan areas, rural counties are too often considered their own independent labor market areas. Nearly 82 percent of the 2,274 labor market areas reported by the Bureau of Labor Statistics (BLS) contain just a single county.<sup>119-121</sup>

In order to deal with this problem, USDA researchers developed a different method of delineating economic regions, called “commuting zones,” which connected rural areas with nearby employment centers to reflect actual and possible commuting flows.<sup>122</sup> Rather than considering each rural county as its own disconnected economic region, USDA researchers used commuting patterns to identify 709 commuting zones.<sup>123</sup> Fewer than seven percent of these commuting zones contain just a single county.<sup>124</sup>

For example, BLS groups Illinois’ 102 counties into 71 different labor market areas.<sup>125</sup> But 54 of these labor market areas contain just a single county.<sup>126</sup> USDA researchers, on the other hand, group the state into 25 commuting zones, none of which are single counties.<sup>127-129</sup> In southern Illinois, USDA researchers determined that nine counties form a single commuting zone.<sup>130</sup> But BLS treats these nine counties as eight separate economic regions by classifying them into eight different labor market areas.<sup>131</sup>

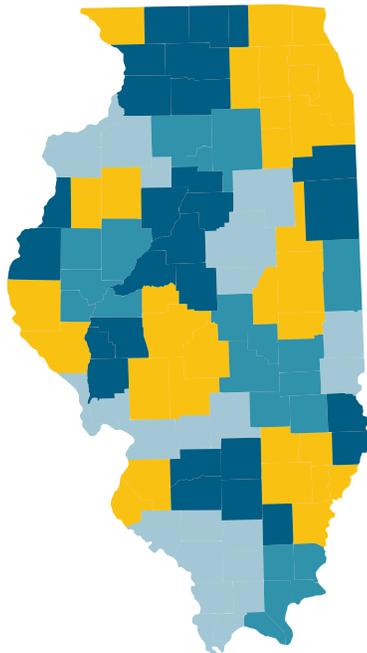
# Commuting zones capture economic regions better than labor market areas

## ILLINOIS LABOR MARKET AREAS



Source: U.S. Department of Labor

## ILLINOIS COMMUTING ZONES



Source: U.S. Department of Agriculture

“ USDA researchers developed a different method of delineating economic regions, called “commuting zones,” which connected rural areas with nearby employment centers to reflect actual and possible commuting flows. ”

“

**Commuting zones present a more realistic view of where individuals are likely or able to travel to work and would serve as a better proxy for determining whether or not there is a true lack of sufficient jobs in a given area.**

”

Likewise, BLS groups Georgia’s 159 counties into 93 different labor market areas.<sup>132</sup> But 73 of these labor market areas contain just a single county.<sup>133</sup> USDA researchers, on the other hand, group the state into 32 commuting zones, none of which are single counties.<sup>134</sup> In southern Georgia, for example, neighboring Berrien and Cook counties are each considered independent labor market areas, despite the fact that they share common commuting patterns.<sup>135</sup>

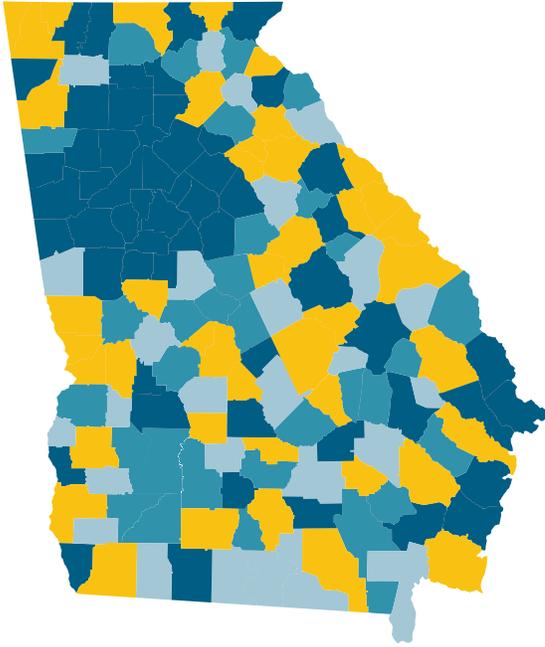
## **Commuting zones capture economic regions better than labor market areas**

USDA should consider amending their proposed rule and make commuting zones, rather than labor market areas, the basis for work requirement waiver evaluation. These zones present a more realistic view of where individuals are likely or able to travel to work and would serve as a better proxy for determining whether or not there is a true lack of sufficient jobs in a given area.

Altogether, more than 300 jurisdictions that could still be waived under the labor market area rule would not qualify for waivers on their own or are located in a commuting zone that does not qualify itself.<sup>136</sup>

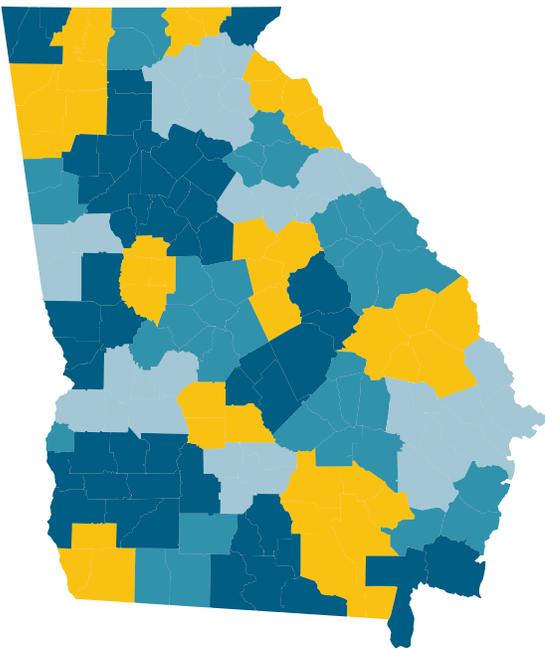
Had such a rule been in effect during the most recent round of waiver approvals, nearly 800 of these jurisdictions would not have been approved, a drop of more than 65 percent.<sup>137</sup> The number of able-bodied adults exempt from the work requirement as a result of these waivers would have dropped by nearly 75 percent, moving millions of able-bodied adults back on the path to self-sufficiency.<sup>138</sup>

## GEORGIA LABOR MARKET AREAS



Source: U.S. Department of Labor

## GEORGIA COMMUTING ZONES



Source: U.S. Department of Agriculture

“

The number of able-bodied adults exempt from the work requirement as a result of these waivers would have dropped by nearly 75 percent, moving millions of able-bodied adults back on the path to self-sufficiency.

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**IF USDA UTILIZES  
COMMUTING  
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BILLIONS OF  
DOLLARS.**

## **Improving the draft rule would move more able-bodied adults from welfare to work**

While the draft rule is an improvement over the status quo, it leaves in place loopholes that states may exploit to keep able-bodied adults trapped in dependency. Indeed, it could even increase the coverage of existing waivers in some areas, further increasing dependency.

Several options exist to tighten up the proposed rule and move even more able-bodied adults from welfare to work. By prohibiting states from combining areas and blocking waivers in labor market areas with low unemployment, the Trump administration can bring 1.6 million able-bodied adults without dependents into the work requirement.

An even better option would be to use commuting zones as the basis for waiver evaluation. These zones present a much better snapshot of job opportunities in a given region, which is ultimately a key factor in deciding whether or not a state should be able to waive critical work requirements.

If USDA utilizes commuting zones instead, they can wrap nearly two million more able-bodied adults into the work requirements, saving taxpayers billions of dollars and preserving resources for the truly needy.

The proposed rule is an opportunity to correct decades worth of bad policy that has trapped millions of able-bodied adults in welfare and cost taxpayers billions. While the rule in its current form represents a good step forward, more can and should be done to ensure that work requirements are protected.

## APPENDIX 1

### NEARLY 2.6 MILLION ABLE-BODIED ADULTS ARE EXEMPT FROM THE WORK REQUIREMENT DUE TO WAIVERS

STATE	ABLE-BODIED ADULTS WAIVED FROM THE WORK REQUIREMENT
Alabama	N/A
Alaska	22,126
Arizona	114,107
Arkansas	N/A
California	665,642
Colorado	1,155
Connecticut	124,457
Delaware	N/A
District of Columbia	14,000
Florida	N/A
Georgia	80,000
Hawaii	80
Idaho	9,000
Illinois	404,624
Indiana	N/A
Iowa	N/A
Kansas	N/A
Kentucky	5,196
Louisiana	60,310
Maine	N/A
Maryland	29,888
Massachusetts	15,000
Michigan	126,776
Minnesota	12,808
Mississippi	N/A
Missouri	N/A

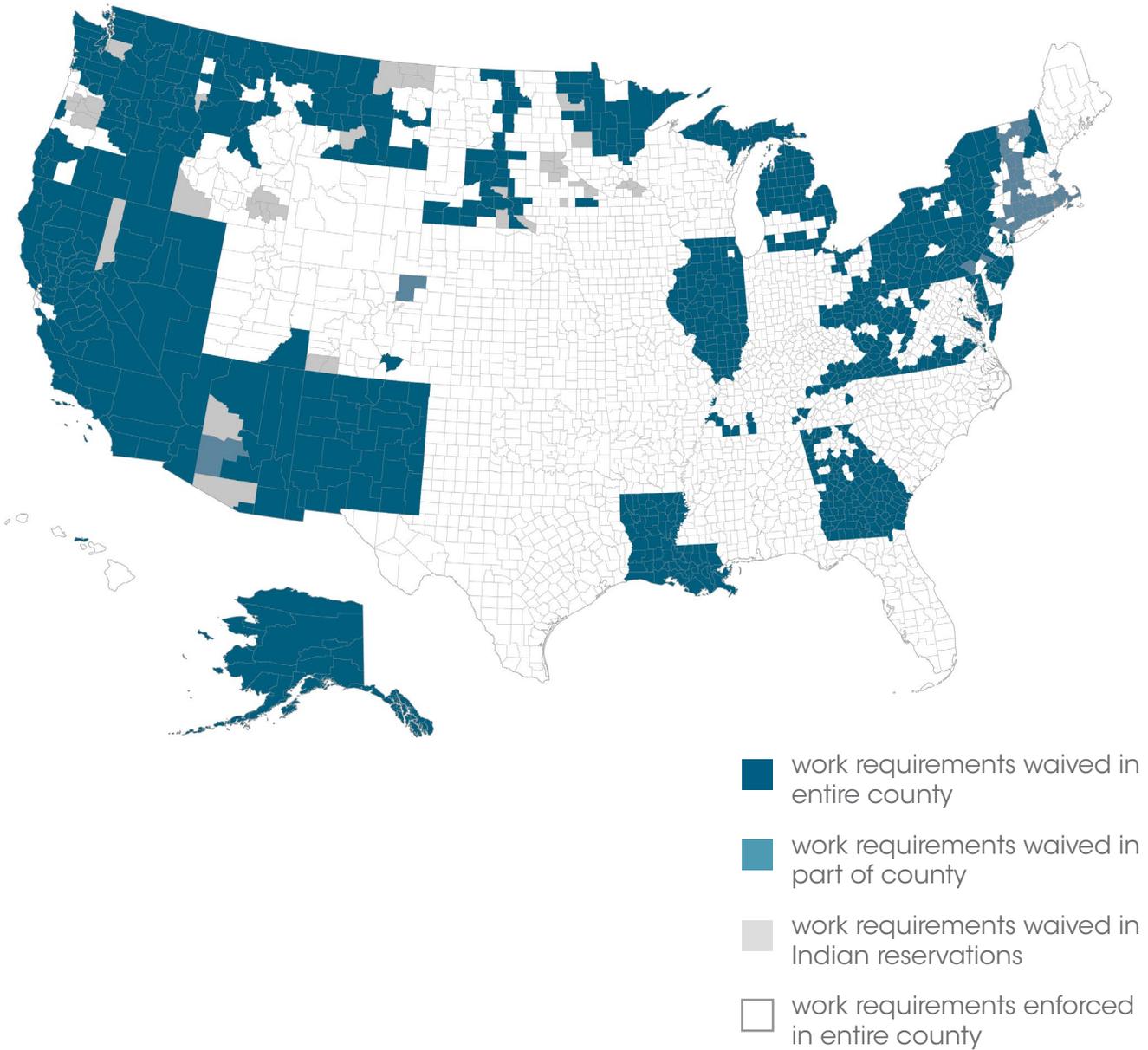
## APPENDIX 1 (CONTINUED)

STATE	ABLE-BODIED ADULTS WAIVED FROM THE WORK REQUIREMENT
Montana	13,113
Nebraska	N/A
Nevada	80,664
New Hampshire	N/A
New Jersey	7,263
New Mexico	27,244
New York	214,373
North Carolina	N/A
North Dakota	2,364
Ohio	90,436
Oklahoma	N/A
Oregon	46,095
Pennsylvania	261,163
Rhode Island	14,000
South Carolina	N/A
South Dakota	3,807
Tennessee	8,503
Texas	N/A
Utah	379
Vermont	850
Virginia	9,785
Washington	80,427
West Virginia	21,915
Wisconsin	N/A
Wyoming	N/A
<b>TOTAL</b>	<b>2,567,550</b>

Source: U.S. Department of Agriculture

## APPENDIX 2

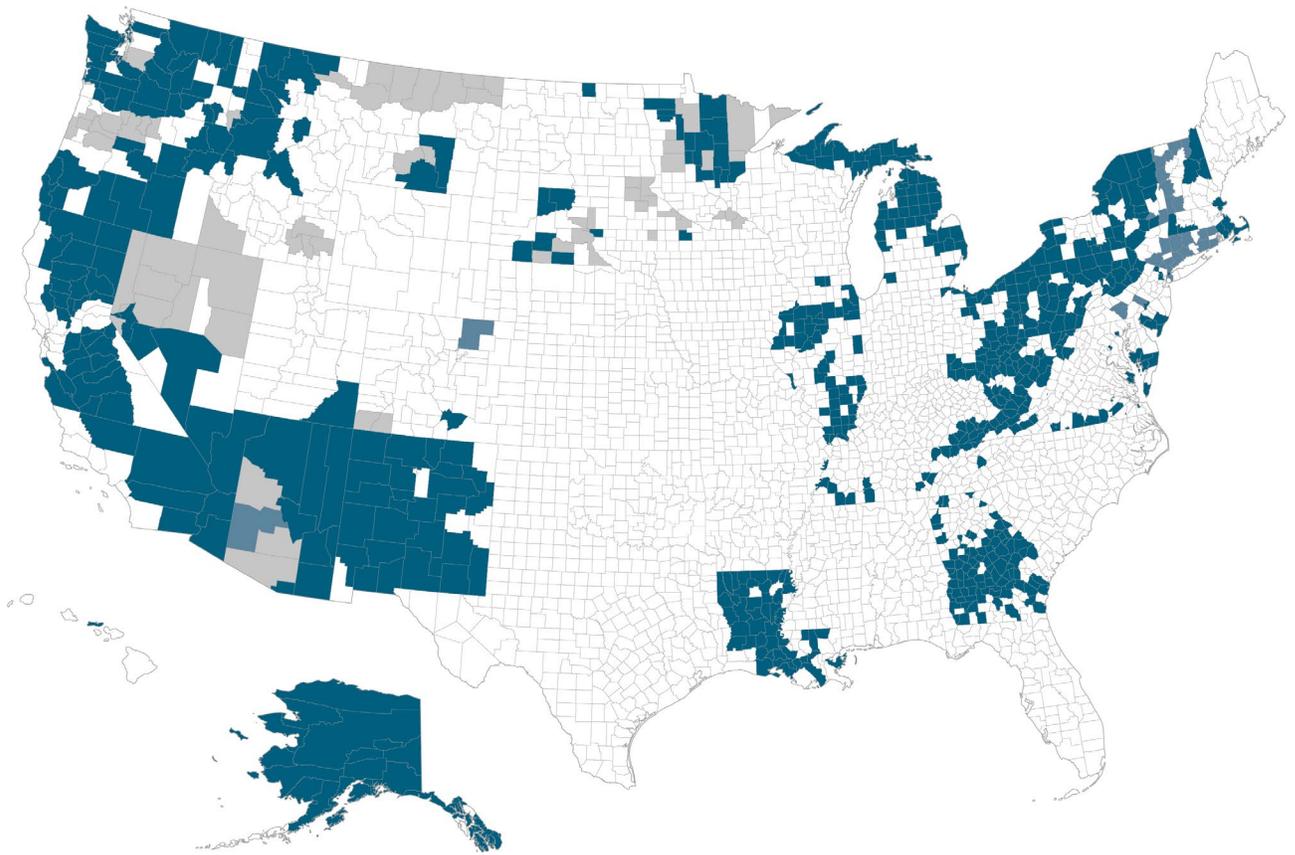
MORE THAN 1,200 JURISDICTIONS HAVE NO FOOD STAMP WORK REQUIREMENTS.



Source: U.S. Department of Agriculture

## APPENDIX 3

USDA'S PROPOSED LIMITS ON GERRYMANDERING WOULD REDUCE THE NUMBER OF WAIVED JURISDICTIONS BY 39 PERCENT.

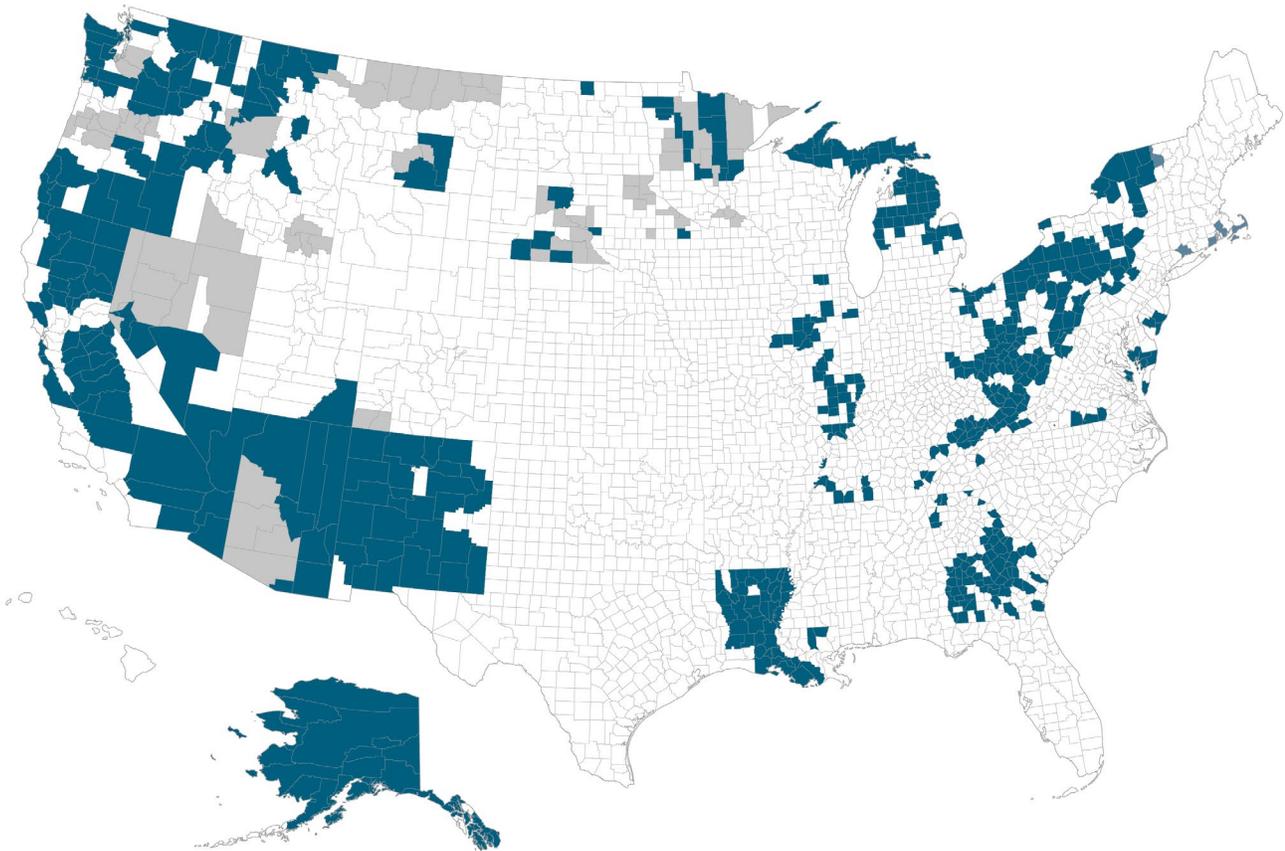


-  work requirements waived in entire county
-  work requirements waived in part of county
-  work requirements waived in Indian reservations
-  work requirements enforced in entire county

Source: U.S. Department of Agriculture

## APPENDIX 4

PROHIBITING THE COMBINATION OF AREAS AND PREVENTING JURISDICTIONS IN LOW-UNEMPLOYMENT LABOR MARKET AREAS FROM GETTING WAIVERS WOULD REDUCE THE NUMBER OF WAIVED JURISDICTIONS BY 55 PERCENT.

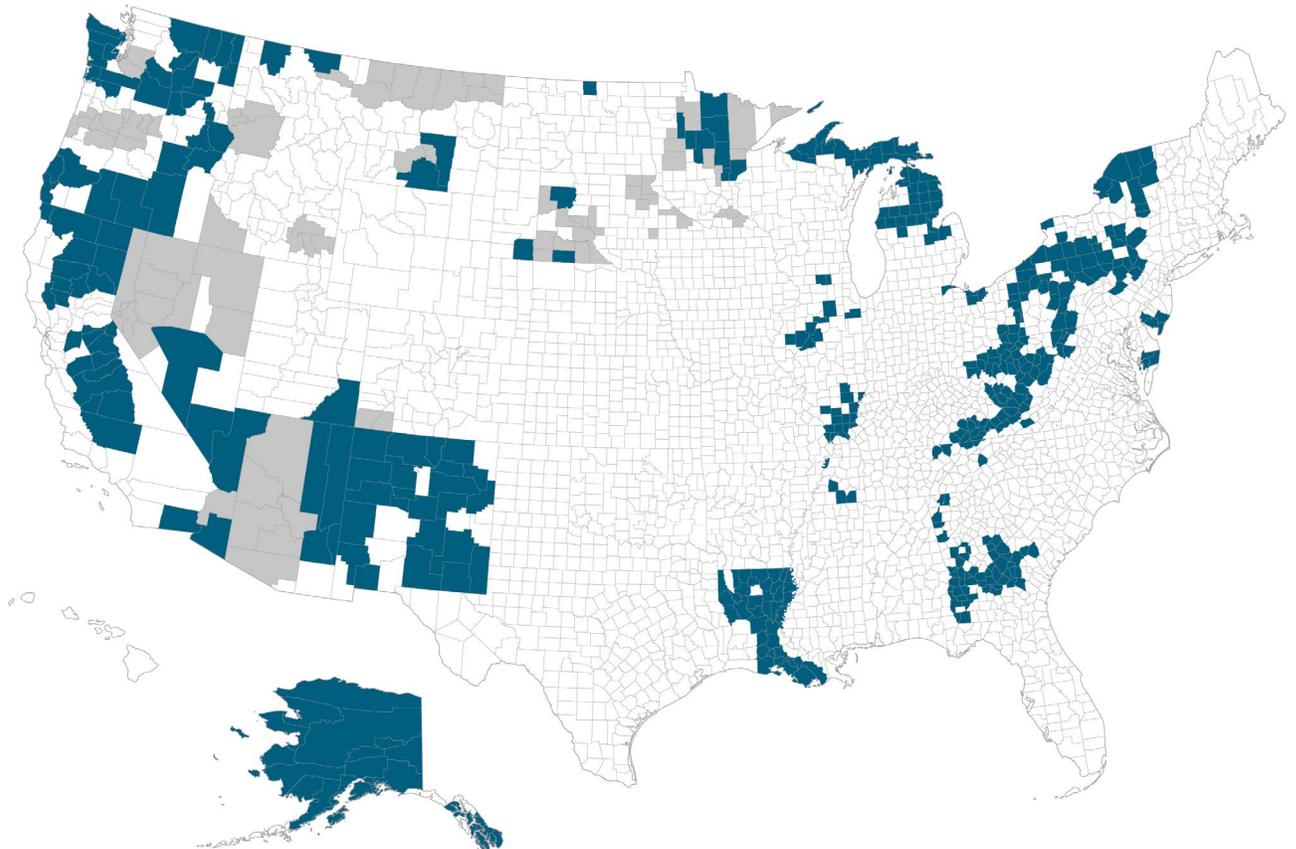


-  work requirements waived in entire county
-  work requirements waived in part of county
-  work requirements waived in Indian reservations
-  work requirements enforced in entire county

Source: U.S. Department of Agriculture

## APPENDIX 5

PROHIBITING THE COMBINATION OF AREAS AND PREVENTING JURISDICTIONS IN LOW-UNEMPLOYMENT COMMUTING ZONES FROM GETTING WAIVERS WOULD REDUCE THE NUMBER OF WAIVED JURISDICTIONS BY 65 PERCENT.



-  work requirements waived in entire county
-  work requirements waived in part of county
-  work requirements waived in Indian reservations
-  work requirements enforced in entire county

Source: U.S. Department of Agriculture

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1. Jonathan Ingram and Nic Horton, "How the Agriculture and Nutrition Act of 2018 would rein in work requirement waivers gone wild," Foundation for Government Accountability (2018), <https://thefga.org/wp-content/uploads/2019/01/How-the-Agriculture-and-Nutrition-Act-of-2018-would-rein-in-work-requirement-waivers-gone-wild.pdf>.
2. Ibid.
3. Ibid.
4. Authors' calculations based upon data provided by states through state plans for employment and training programs.
5. Sam Adolphsen et al., "Waivers gone wild: How states have exploited food stamp loopholes," Foundation for Government Accountability (2018), <https://thefga.org/wp-content/uploads/2018/06/Waivers-Gone-Wild-6-5-18-update.pdf>.
6. 7 U.S.C. § 2015(o)(4)(A) (2016), <https://www.gpo.gov/fdsys/pkg/USCODE-2016-title7/pdf/USCODE-2016-title7-chap51-sec2015.pdf>.
7. Sam Adolphsen et al., "Waivers gone wild: How states have exploited food stamp loopholes," Foundation for Government Accountability (2018), <https://thefga.org/wp-content/uploads/2018/06/Waivers-Gone-Wild-6-5-18-update.pdf>.
8. Ibid.
9. Food and Nutrition Service, "Status of state able-bodied adult without dependents (ABAWD) time limit waivers: Fiscal year 2019, 1st quarter," U.S. Department of Agriculture (2018), <https://fns-prod.azureedge.net/sites/default/files/snap/FY19-Quarter1-ABAWD-Waiver-Status.pdf>.
10. Authors' calculations based upon data provided by states through state plans for employment and training programs.
11. Michigan is currently operating under a 69-county waiver. In October 2018, the state began phasing in the work requirement upon certification or recertification. However, because the state received approval for its waiver, it is not legally required to impose the work requirement in these counties at all. It is unclear whether the new administration will continue to phase in the work requirement or revert back to a complete waiver in these 69 counties. This analysis assumes the state uses the waiver to the extent it was approved and the state's fiscal year 2018 data was used for this analysis.
12. Tennessee's fiscal year 2019 state plan contained data errors, as it indicated the number of able-bodied adults in waived areas (106,829) was higher than the total number of able-bodied adults in the state (79,773). The state's fiscal year 2018 data was used for this analysis, adjusting downward for the significant reduction in waived areas that occurred during the middle of fiscal year 2018.
13. Sam Adolphsen et al., "Waivers gone wild: How states have exploited food stamp loopholes," Foundation for Government Accountability (2018), <https://thefga.org/wp-content/uploads/2018/06/Waivers-Gone-Wild-6-5-18-update.pdf>.
14. Ibid.
15. Office of Inspector General, "Audit report 27601-0002-31: FNS controls over SNAP benefits for able-bodied adults without dependents," U.S. Department of Agriculture (2016), <https://www.usda.gov/oig/webdocs/27601-0002-31.pdf>.
16. Jonathan Ingram and Sam Adolphsen, "Docket FNS 2018-03752," Opportunity Solutions Project (2018), <https://solutionsproject.org/wp-content/uploads/2018/04/OSP-public-comment-ANPR.pdf>.
17. Bethany Blankley, "States, feds, offer conflicting claims about SNAP work requirement waivers," Watchdog (2018), [https://www.watchdog.org/national/states-feds-offer-conflicting-claims-about-snap-work-requirement-waivers/article\\_9b245d6a-f34a-11e8-b484-1b6e3ddaacd0.html](https://www.watchdog.org/national/states-feds-offer-conflicting-claims-about-snap-work-requirement-waivers/article_9b245d6a-f34a-11e8-b484-1b6e3ddaacd0.html).
18. Food and Nutrition Service, "Waiver response: 2150013, amendment and extension," U.S. Department of Agriculture (2018).
19. During the state-defined 24-month period, only 47 of the 101 waived counties had unemployment rates at least 20 percent above the national average.
20. Brown County had an unemployment rate of 2.4 percent in November 2018.
21. Authors' calculations based upon data provided by the U.S. Department of Labor on November 2018 unemployment rates, disaggregated by county. See, e.g., Bureau of Labor Statistics, "Local area unemployment statistics: Illinois, counties and equivalents," U.S. Department of Labor (2018), <https://data.bls.gov/cgi-bin/dsrv?la>.
22. Ibid.
23. Brown and Washington counties had unemployment rates below DuPage County's unemployment rate in November 2018.
24. Food and Nutrition Service, "Waiver response: 2150019, amendment and extension," U.S. Department of Agriculture (2018).
25. Marin County had an unemployment rate of 2.2 percent in November 2018.
26. Authors' calculations based upon data provided by the U.S. Department of Labor on November 2018 unemployment rates, disaggregated by county. See, e.g., Bureau of Labor Statistics, "Local area unemployment statistics: California, counties and equivalents," U.S. Department of Labor (2018), <https://data.bls.gov/cgi-bin/dsrv?la>.
27. Ibid.
28. Marin County had an unemployment rate equal to San Francisco County's unemployment rate and below Santa Clara County's unemployment rate in November 2018.
29. Food and Nutrition Service, "Supplemental Nutrition Assistance Program: Requirements for able-bodied adults without dependents," U.S. Department of Agriculture (2018), <https://fns-prod.azureedge.net/sites/default/files/snap/ABAWDtoOFR.pdf>.
30. Although the draft rule was released in December 2018, it was not published as a proposed rule in the Federal Register until February 1, 2019.
31. Food and Nutrition Service, "Supplemental Nutrition Assistance Program: Requirements for able-bodied adults without dependents," U.S. Department of Agriculture (2018), <https://fns-prod.azureedge.net/sites/default/files/snap/ABAWDtoOFR.pdf>.

32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Authors' calculations based upon data provided by the U.S. Department of Agriculture on waivers in effect as of January 1, 2019.
37. In states with existing statewide waivers, waivers were reevaluated by county or county-equivalent.
38. Indian reservations were excluded from this analysis, as they do not have recent unemployment data and would be subject to different standards under the draft rule.
39. Michigan is currently operating under a 69-county waiver. In October 2018, the state began phasing in the work requirement upon certification or recertification. However, because the state received approval for its waiver, it is not legally required to impose the work requirement in these counties at all. It is unclear whether the new administration will continue to phase in the work requirement or revert back to a complete waiver in these 69 counties. This analysis assumes the state uses the waiver to the extent it was approved.
40. Some waived jurisdictions are too small for the Bureau of Labor Statistics or state labor market information agencies to publicly release unemployment data. In these cases, where such data is available for the fiscal year 2018 waivers but not for the fiscal year 2019 waivers, this analysis uses data as submitted in the fiscal year 2018 waiver.
41. Authors' calculations based upon the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have qualified for a waiver due to the prohibition on combining jurisdictions that do not constitute labor market areas.
42. If a combined area is missing a jurisdiction, but the entire labor market area qualifies, this analysis adds the missing jurisdiction.
43. If a labor market spans across multiple states, this analysis assumes the requirement that the combined jurisdictions form a labor market area apply only to the jurisdictions within the state applying for the waiver.
44. If a labor market in which combined jurisdictions reside does not qualify for a waiver, this analysis assumes state agencies will apply for jurisdiction-level waivers in those areas.
45. This analysis focuses exclusively on the draft rule's limits on combining areas. The effects of other changes to the waiver, including a minimum unemployment threshold, are excluded. Future analyses will evaluate other components independently.
46. Although the draft rule would create a seven percent unemployment rate floor for waived areas, such a restriction would only matter in times of record-low unemployment. But the unemployment rate has averaged roughly six percent since 2000. This means that the unemployment rate floor would not impact waiver submissions in years with the long-term average unemployment. Analyzing relative unemployment rates today, without regard to the unemployment rate floor, should provide a baseline estimate of what officials could expect in years with average unemployment.
47. Authors' calculations based upon current waived areas, the number of able-bodied adults without dependents living in waived areas as reported on fiscal year 2018 state plans for employment and training programs, changes in waived areas between fiscal years 2018 and 2019, the number of jurisdictions that would no longer qualify for waivers, the most recent publicly available county-level food stamp enrollment in currently waived areas, and enrollment in jurisdictions that would still qualify for waivers as a share of enrollment in currently waived areas. In order to determine enrollment for jurisdictions lower than the county or county-equivalent level, the jurisdiction's share of the total population in the county or county-equivalent in which it sits was multiplied by enrollment in that county or county-equivalent.
48. Food and Nutrition Service, "Supplemental Nutrition Assistance Program: Requirements for able-bodied adults without dependents," U.S. Department of Agriculture (2018), <https://fns-prod.azureedge.net/sites/default/files/snap/ABAWDtoOFR.pdf>.
49. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Albany labor market area.
50. The Albany metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Baker, Dougherty, Lee, Terrell, and Worth counties. See, e.g., Bureau of Labor Statistics, "Labor market area directory," U.S. Department of Labor (2015), <https://www.bls.gov/lau/lmadir2015.xlsx>.
51. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Baker County had an unemployment rate of 6.8 percent, Dougherty County had an unemployment rate of 6.4 percent, Lee County had an unemployment rate of 4.4 percent, Terrell County had an unemployment rate of 6.1 percent, and Worth County had an unemployment rate of 5.3 percent.
52. During the state-selected 24-month window, the Albany labor market area had an unemployment rate of 5.8 percent.
53. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Hinesville labor market area.
54. The Hinesville metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Liberty and Long counties.
55. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Liberty County had an unemployment rate of 5.4 percent and Long County had an unemployment rate of 5.1 percent.
56. During the state-selected 24-month window, the Hinesville labor market area had an unemployment rate of 5.4 percent.
57. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Macon-Bibb labor market area.

58. The Macon-Bibb metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Bibb, Crawford, Jones, Monroe, and Twiggs counties.
59. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Bibb County had an unemployment rate of 5.6 percent, Crawford County had an unemployment rate of 5.4 percent, Jones County had an unemployment rate of 4.5 percent, Monroe County had an unemployment rate of 4.7 percent, and Twiggs County had an unemployment rate of eight percent.
60. During the state-selected 24-month window, the Macon-Bibb labor market area had an unemployment rate of 5.4 percent.
61. Jones County was not included in the current waiver, but would qualify when combined with the rest of the Macon-Bibb labor market area.
62. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Ottawa-Peru labor market area.
63. The Ottawa-Peru micropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Bureau, LaSalle, and Putnam counties.
64. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.5 percent. During this period, Bureau County had an unemployment rate of 5.4 percent, La Salle County had an unemployment rate of 6.1 percent, and Putnam County had an unemployment rate of 5.2 percent.
65. During the state-selected 24-month window, the Ottawa-Peru labor market area had an unemployment rate of 5.9 percent.
66. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Peoria labor market area.
67. The Peoria metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Marshall, Peoria, Stark, Tazewell, and Woodford counties.
68. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.5 percent. During this period, Marshall County had an unemployment rate of 5.9 percent, Peoria County had an unemployment rate of 6.3 percent, Stark County had an unemployment rate of 6.6 percent, Tazewell County had an unemployment rate of 5.8 percent, and Woodford County had an unemployment rate of 4.9 percent.
69. During the state-selected 24-month window, the Peoria labor market area had an unemployment rate of six percent.
70. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Shreveport-Bossier City labor market area.
71. The Shreveport-Bossier City metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Bossier, Caddo, De Soto, and Webster parishes.
72. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.6 percent. During this period, Bossier Parish had an unemployment rate of five percent, Caddo Parish had an unemployment rate of 6.2 percent, De Soto Parish had an unemployment rate of 6.8 percent, and Webster Parish had an unemployment rate of 7.8 percent.
73. During the state-selected 24-month window, the Shreveport-Bossier City labor market area had an unemployment rate of six percent.
74. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Buffalo-Cheektowaga-Niagara Falls labor market area.
75. The Buffalo-Cheektowaga-Niagara Falls metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Erie and Niagara counties.
76. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.3 percent. During this period, Erie County had an unemployment rate of 5.1 percent and Niagara County had an unemployment rate of 6.1 percent.
77. During the state-selected 24-month window, the Buffalo-Cheektowaga-Niagara Falls labor market area had an unemployment rate of 5.3 percent.
78. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Wenatchee labor market area.
79. The Wenatchee metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Chelan and Douglas counties.
80. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Chelan County had an unemployment rate of 5.1 percent and Douglas County had an unemployment rate of six percent.
81. During the state-selected 24-month window, the Wenatchee labor market area had an unemployment rate of 5.4 percent.
82. Food and Nutrition Service, "Waiver response: 2150036, amendment and extension," U.S. Department of Agriculture (2018).
83. The Columbus metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Chattahoochee, Harris, Marion, and Muscogee counties on the Georgia side and Russell county in Alabama.
84. Georgia's current waiver includes Chattahoochee, Marion, and Muscogee counties, but does not include Harris County.
85. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Columbus labor market area.

86. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Chattahoochee County had an unemployment rate of 7.6 percent, Harris County had an unemployment rate of 4.5 percent, Marion County had an unemployment rate of 6.5 percent, and Muscogee County had an unemployment rate of 6.3 percent.
87. During the state-selected 24-month window, the Columbus labor market area had an unemployment rate of 6.1 percent on the Georgia side of the labor market area and 5.8 percent in the entire labor market area, including the Alabama side.
88. Food and Nutrition Service, "Waiver response: 2150036, amendment and extension," U.S. Department of Agriculture (2018).
89. The Macon-Bibb metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Bibb, Crawford, Jones, Monroe, and Twiggs counties.
90. Georgia's current waiver includes Bibb, Crawford, Monroe, and Twiggs counties, but does not include Jones County.
91. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Macon-Bibb labor market area.
92. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Bibb County had an unemployment rate of 5.6 percent, Crawford County had an unemployment rate of 5.4 percent, Jones County had an unemployment rate of 4.5 percent, Monroe County had an unemployment rate of 4.7 percent, and Twiggs County had an unemployment rate of eight percent.
93. During the state-selected 24-month window, the Macon-Bibb labor market area had an unemployment rate of 5.4 percent.
94. Food and Nutrition Service, "Waiver response: 2150029, amendment and extension," U.S. Department of Agriculture (2018).
95. The Binghamton metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Broome and Tioga counties.
96. New York's current waiver includes Broome County, but does not include Tioga County.
97. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Binghamton labor market area.
98. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.3 percent. During this period, Broome County had an unemployment rate of 5.6 percent and Tioga County had an unemployment rate of 5.1 percent.
99. During the state-selected 24-month window, the Binghamton labor market area had an unemployment rate of 5.5 percent.
100. Food and Nutrition Service, "Waiver response: 216001, amendment and extension," U.S. Department of Agriculture (2018).
101. The Cleveland-Elyria metropolitan statistical area is classified as a labor market area by the U.S. Department of Labor. This labor market area includes Cuyahoga, Geauga, Lake, Lorain, and Medina counties.
102. Ohio's current waiver includes Cuyahoga and Lorain counties, but does not include Geauga, Lake, and Medina counties.
103. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Cleveland labor market area.
104. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.5 percent. During this period, Cuyahoga County had an unemployment rate of 5.7 percent, Geauga County had an unemployment rate of 5.1 percent, Lake County had an unemployment rate of 4.6 percent, Lorain had an unemployment rate of 6.1 percent, and Medina County had an unemployment rate of 4.1 percent.
105. During the state-selected 24-month window, the Cleveland labor market area had an unemployment rate of 5.5 percent.
106. Authors' calculations based upon the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have qualified for a waiver due to the prohibition on combining jurisdictions that do not constitute labor market areas and the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have independently qualified for a waiver.
107. Food and Nutrition Service, "Supplemental Nutrition Assistance Program: Requirements for able-bodied adults without dependents," U.S. Department of Agriculture (2018), <https://fns-prod.azureedge.net/sites/default/files/snap/ABAWDtoOFR.pdf>.
108. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Chicago labor market area.
109. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.5 percent. During this period, Cook County had an unemployment rate of 5.7 percent.
110. During the state-selected 24-month window, the Chicago labor market area had an unemployment rate of 5.3 percent.
111. Author's calculations based upon data provided by Haver Analytics on December 2018 job postings gathered from more than 16,000 internet job boards, corporate boards, and other job sites.
112. Authors' calculations based upon data provided by the U.S. Department of Labor on county-level unemployment rates during the state-selected 24-month window in the Atlanta labor market area.
113. During the state-selected 24-month window, the minimum threshold to qualify for a waiver was 5.4 percent. During this period, Clayton County had an unemployment rate of 6.1 percent.
114. During the state-selected 24-month window, the Atlanta labor market area had an unemployment rate of 4.7 percent.

115. Author's calculations based upon data provided by Haver Analytics on December 2018 job postings gathered from more than 16,000 internet job boards, corporate boards, and other job sites.
116. Authors' calculations based upon the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have qualified for a waiver due to the prohibition on combining jurisdictions that do not constitute labor market areas, the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have independently qualified for a waiver, and the number of counties, cities, towns, and other jurisdictions in state waiver requests that are located in labor market areas that would not have collectively qualified for a waiver.
117. Ibid.
118. Authors' calculations based upon current waived areas, the number of able-bodied adults without dependents living in waived areas as reported on fiscal year 2018 state plans for employment and training programs, changes in waived areas between fiscal years 2018 and 2019, the number of jurisdictions that would no longer qualify for waivers, the most recent publicly available county-level food stamp enrollment in currently waived areas, and enrollment in jurisdictions that would still qualify for waivers as a share of enrollment in currently waived areas. In order to determine enrollment for jurisdictions lower than the county or county-equivalent level, the jurisdiction's share of the total population in the county or county-equivalent in which it sits was multiplied by enrollment in that county or county-equivalent.
119. Authors' calculations based upon data provided by the U.S. Department of Labor on labor market area components. See, e.g., Bureau of Labor Statistics, "Labor market area directory," U.S. Department of Labor (2015), <https://www.bls.gov/lau/lmadir2015.xlsx>.
120. County-equivalents are considered counties for purposes of this analysis, including Louisiana parishes and Alaska census areas and boroughs.
121. The Bureau of Labor Statistics groups 4,665 jurisdictions together to form 2,274 labor market areas. However, approximately 1,857 of these labor market areas consist of a single jurisdiction.
122. Christopher S. Fowler et al., "Reassessing and revising commuting zones for 2010: History, assessment, and updates for U.S. 'labor sheds' 1990-2010," *Population Research and Policy Review* 35(2): 263-86 (2016), <https://link.springer.com/article/10.1007%2Fs11113-016-9386-0>.
123. Authors' calculations based upon data provided by the U.S. Department of Agriculture on commuting zone components. See, e.g., Economic Research Service, "2000 commuting zones," U.S. Department of Agriculture (2012), [https://www.ers.usda.gov/webdocs/DataFiles/48457/cz00\\_eqv\\_v1.xls?v=0](https://www.ers.usda.gov/webdocs/DataFiles/48457/cz00_eqv_v1.xls?v=0).
124. Ibid.
125. Authors' calculations based upon data provided by the U.S. Department of Labor on labor market area components in Illinois labor market areas.
126. Ibid.
127. Authors' calculations based upon data provided by the U.S. Department of Agriculture on commuting zone components in Illinois commuting zones.
128. USDA classifies Jo Daviess County as belonging to the same commuting zone as Clinton, Delaware, Dubuque, and Jackson counties in Iowa. Although it is not grouped with any other Illinois county, it is not an independent commuting zone.
129. USDA classifies Vermilion County as belonging to the same commuting zone as Benton, Carroll, Clinton, Fountain, Montgomery, Tippecanoe, Warren, and White counties in Indiana. Although it is not grouped with any other Illinois county, it is not an independent commuting zone.
130. Authors' calculations based upon data provided by the U.S. Department of Agriculture on commuting zone components in Illinois commuting zones.
131. Authors' calculations based upon data provided by the U.S. Department of Labor on labor market area components in Illinois labor market areas.
132. Authors' calculations based upon data provided by the U.S. Department of Labor on labor market area components in Georgia labor market areas.
133. Ibid.
134. Authors' calculations based upon data provided by the U.S. Department of Agriculture on commuting zone components in Georgia commuting zones.
135. Authors' calculations based upon data provided by the U.S. Department of Labor on labor market area components in Georgia labor market areas.
136. Authors' calculations based upon the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have qualified for a waiver due to the prohibition on combining jurisdictions that do not constitute labor market areas, the number of counties, cities, towns, and other jurisdictions in state waiver requests that would not have independently qualified for a waiver, and the number of counties, cities, towns, and other jurisdictions in state waiver requests that are located in commuting zones that would not have collectively qualified for a waiver.
137. Ibid.
138. Authors' calculations based upon current waived areas, the number of able-bodied adults without dependents living in waived areas as reported on fiscal year 2018 state plans for employment and training programs, changes in waived areas between fiscal years 2018 and 2019, the number of jurisdictions that would no longer qualify for waivers, the most recent publicly available county-level food stamp enrollment in currently waived areas, and enrollment in jurisdictions that would still qualify for waivers as a share of enrollment in currently waived areas. In order to determine enrollment for jurisdictions lower than the county or county-equivalent level, the jurisdiction's share of the total population in the county or county-equivalent in which it sits was multiplied by enrollment in that county or county-equivalent.



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