



Food and  
Nutrition  
Service

1320 Braddock Place  
Alexandria, VA  
22314

SUBJECT: Supplemental Nutrition Assistance Program (SNAP) – Unemployment Data and Methods for Able-Bodied Adults Without Dependents (ABAWD) Waivers

TO: State SNAP Directors  
All Regions

On December 5, 2019, the Food and Nutrition Service (FNS) published the final rule, *Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents*.

Effective April 1, 2020, the final rule changes the definition of the geographic areas that can be waived and other criteria under which an area may qualify for a waiver of the SNAP participation time limit for ABAWDs. In order to have a waiver as of April 1, 2020, and thereafter, States must request a waiver that meets the new standards in 7 CFR 273.24(f) and should submit that request as soon as possible to their respective FNS Regional Office contact(s) and copy [snapcpbwaivers@usda.gov](mailto:snapcpbwaivers@usda.gov). FNS encourages States to submit these waiver requests no later than February 1, 2020, to ensure timely processing.

The enclosure provides States with information on how to obtain Bureau of Labor Statistics and Census Bureau data and step-by-step instructions on how to use that data to calculate an unemployment rate in support of an ABAWD waiver request. These technical sources and methods are consistent with those that FNS has endorsed in the past, but have been adapted where appropriate to account for the final rule's changes to the definition of the geographic area that can be waived and recent changes to the Census Bureau's data tool. Please note, this technical information does not provide an exhaustive list of criteria, methodologies, or data that States could submit in support of an ABAWD waiver request under the final rule, nor does it address other areas of ABAWD waiver policy. The Office of Management and Budget's Office of Information and Regulatory Affairs has designated this memorandum as not a major rule under the Congressional Review Act.

Please contact your respective FNS Regional Office with any questions about this memorandum.

Sincerely,

Sasha Gersten-Paal  
Acting Director  
Program Development Division

Enclosure

## **I. DEFINITION OF WAIVER AREA**

Under 273.24(f)(4) in the final rule, the waiver area is defined as an area considered a Labor Market Area (LMA) by the Department of Labor (DOL), the intrastate part of an interstate LMA, an Indian reservation area, or a U.S. Territory.

**LMAs:** A complete [list of LMAs](#) is published by DOL’s Bureau of Labor Statistics (BLS), available on this [webpage](#). States must support a waiver request for an LMA using its corresponding LMA unemployment data in order to qualify for approval.

**The intrastate part of an interstate LMA:** Interstate LMAs are LMAs that cross State lines. In the case of an interstate LMA, the intrastate part of the LMA (e.g. the part of the LMA that is within the requesting State) may only qualify for a waiver based on data from the entire interstate LMA.

**An Indian reservation area or a U.S. Territory:** Indian reservation areas and U.S. Territories are each considered to be an area for the purposes of waivers.

## **II. OBTAINING UNEMPLOYMENT DATA FOR LABOR MARKET AREAS (LMAs) FROM THE BUREAU OF LABOR STATISTICS**

States can consult the complete [list of LMAs](#) published by BLS to identify the LMAs that fall within their jurisdiction. In addition, BLS currently publishes corresponding Local Area Unemployment Statistics ([LAUS data](#)) for all LMAs. However, the LAUS database does not include the term “LMA” as a searchable area type. Instead, an LMA is searchable based on its statistical area type. Therefore, States must identify the LMA’s statistical area type in order to obtain its LAUS data. States can review column D of the list of LMAs to identify the name and statistical area type of a particular LMA. Then, using these two pieces of information, the State can search for and obtain labor force and unemployment data for the LMA on the LAUS database (<https://www.bls.gov/lau/#data>).

An LMA could be any of the following statistical area types:

- A metropolitan statistical area (area type “B” within the LAUS database)
- A micropolitan statistical area (area type “D” within the LAUS database)
- A county or county equivalent (area type “F” within the LAUS database)
- A multi-entity small labor market area (area type “J” within the LAUS database)

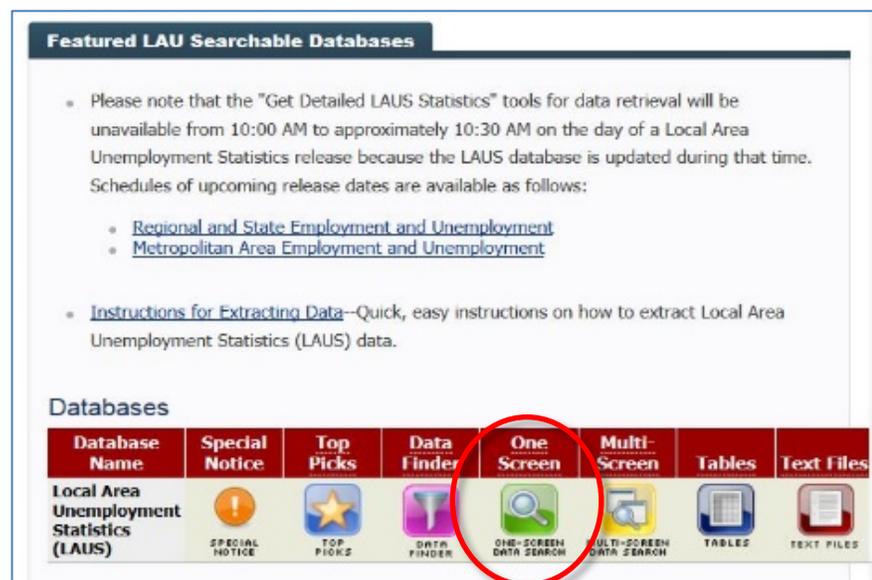
Below is a screen shot from the LAUS database One-Screen Data Search, with the relevant statistical areas for searching for an LMA marked with a green dot.



Please keep in mind that interstate LMAs are listed under only one state, not every state in which the LMA is located. Therefore, the requesting State may need to select a neighboring State in order to obtain data for the LMA.

BLS Local Area Unemployment Statistics are available at [www.bls.gov/laui](http://www.bls.gov/laui) and can be accessed using the steps below:

1. Scroll down to **Featured LAU Searchable Databases**
2. Click on **One-Screen Data Search**
3. Select the area(s) for which data is needed. Data for LMAs are generally found in area types B, D, F, and J (not all States will have area type J)
4. Select **Not Seasonally Adjusted** data. Click on **Get Data**



**Local Area Unemployment Statistics** Help ?

Select how you want to view the data  
 View area types within a State or Census Region and Division  View State(s) by area type or view data for Census Regions or Divisions

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**1 Select a State or Census Reg. & Div.** ?

- 01 Alabama
- 02 Alaska
- 04 Arizona
- 05 Arkansas
- 06 California
- 08 Colorado
- 09 Connecticut
- 10 Delaware
- 11 District of Columbia
- 12 Florida

**2 Select one or more Area Types** ?

- A Statewide
- B Metropolitan areas
- C Metropolitan divisions
- D Micropolitan areas
- E Combined areas
- F Counties and equivalents
- G Cities and towns above 25,000 population
- H Cities and towns below 25,000 population in New England
- I Parts of cities that cross county boundaries
- J Multi-entity small labor market areas

**3 Select one or more Areas** ?

- AST010000000000 Alabama
- BMT0111500000000 Anniston-Oxford-Jacksonville, AL Metropolitan Statistical Area
- BMT0112220000000 Auburn-Opelika, AL Metropolitan Statistical Area
- BMT0113820000000 Birmingham-Hoover, AL Metropolitan Statistical Area
- BMT0119300000000 Daphne-Fairhope-Foley, AL Metropolitan Statistical Area

**4 Select Seasonal Adjustment** ?

Seasonally Adjusted  
 Not Seasonally Adjusted

### III. WAIVERS BASED ON A 12-MONTH AVERAGE UNEMPLOYMENT RATE OVER 10 PERCENT

State agencies can support a waiver request for a geographic area based on a recent 12-month average unemployment rate over 10 percent, consistent with 273.24(f)(2)(i) of the final rule.

#### **CALCULATING AN AVERAGE UNEMPLOYMENT RATE FOR AN AREA**

1. Obtain monthly labor force data for the 12-month period
2. Obtain monthly unemployment data for the same period
3. Total the monthly labor force data
4. Total the monthly unemployment data
5. Divide the unemployment total by the labor force total
6. If the quotient has more than four decimal places, truncate it to four decimal places (drop the fifth and all subsequent decimal places)
7. Multiply the quotient by 100. The result is the average unemployment rate for the 12-month period

**Points of Emphasis:**

- Use *not seasonally adjusted* data
- Monthly labor force and unemployment data must be obtained and provided
- Do not include the annual total that is sometimes included in the BLS columns

## Unemployment Data and Methods for ABAWD Waivers

January 2020

- Do not use an average of the monthly unemployment rates. Calculating monthly unemployment rates, then averaging the monthly unemployment rates is not valid.
- Instead, aggregate the monthly labor force data over the data look-back period and aggregate the unemployment data over the data look-back period. Use these two aggregated numbers to calculate the unemployment rate over the data look-back period.

The following table is an example of the documentation and calculations needed to support a waiver based on a recent 12-month average unemployment rate over 10 percent. To obtain accurate results, the State must use the method demonstrated in the example that follows. As a best practice, all calculations should be documented in tables or spreadsheets and provided with the request.

Area A, State X			
Year	Month	Labor Force	Unemployment
2019	Jan	14301	2192
2019	Feb	14354	2225
2019	Mar	14185	1836
2019	Apr	14481	1957
2019	May	14360	1735
2019	Jun	14399	1810
2019	Jul	14239	1790
2019	Aug	14175	1772
2019	Sep	14147	1843
2019	Oct	14261	1851
2019	Nov	14486	2170
2019	Dec	14217	1936
<b>Total</b>		171605	23117
<b>Average Unemployment Rate</b>		<b>13.5%</b>	

**IV. WAIVERS BASED ON A 24-MONTH AVERAGE UNEMPLOYMENT RATE 20 PERCENT ABOVE THE NATIONAL AVERAGE & AT LEAST 6 PERCENT**

States can also support waiver requests based on data from BLS or a BLS cooperating agency showing an area has a 24-month average unemployment rate that is both 20 percent above the national average for a recent 24-month period *and* at least 6.0 percent, consistent with 273.24(f)(2)(ii) of the final rule.

In order for the 24-month data period to be considered recent, the number of months from the end of the last month of the 24-month period through the last month that the waiver would be effective cannot exceed 21 months. To clarify, the number of months cannot exceed 21 months, but could be less than 21 months, as shown in the table below. For example, a waiver that would expire on March 31, 2021 (March 2021 being the last month of the waiver) could be supported by data from a 24-month period that ends no earlier than June 30, 2019. The table below provides additional examples of how to determine the allowable data look-back period based on the last month in which the requested waiver would be effective.

Last Month of Waiver:	24-Month Period for Calculating an Area’s Unemployment Rate Can End No Earlier than:
Jan 2021	Apr 2019
Feb 2021	May 2019
Mar 2021	Jun 2019
Apr 2021	Jul 2019
May 2021	Aug 2019
Jun 2021	Sep 2019
Jul 2021	Oct 2019
Aug 2021	Nov 2019
Sep 2021	Dec 2019
Oct 2021	Jan 2020
Nov 2021	Feb 2020
Dec 2021	Mar 2020

To obtain accurate results, the State must use the method provided by example in the pages that follow. Monthly labor force data and unemployment data must be obtained and aggregated, then used to calculate the unemployment rate for the requested area and for the nation, respectively. As a best practice, all calculations should be documented in tables or spreadsheets and provided with the request.

Use **Not Seasonally Adjusted data**, as previously noted in Section III. Please also note the specific directions on how to round data, as explained in the following example.

## CALCULATING A 24-MONTH AVERAGE UNEMPLOYMENT RATE FOR AN AREA

**STEP 1:** Obtain the area's labor force data for the selected 24-month period and calculate the total. The 24-month period need not align with the calendar year, although this example does. Be careful to not include annual totals that may be in the BLS data. This data can also be downloaded in vertical tables.

Labor Force	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	16449	16467	16298	16457	17037	16943	17220	16579	15994	15850	15817	15749
2019	15653	15825	15703	15840	16148	16311	16605	16483	16257	16047	15852	15630
<b>Total</b>	<b>389,214</b>											

**STEP 2:** Obtain the same 24 months of unemployment data and calculate the total.

Unemployment	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2018	1128	1221	1051	1071	1432	1348	1609	1107	749	846	917	917
2019	1000	1117	998	917	928	918	1093	955	804	796	801	736
<b>Total</b>	<b>24,459</b>											

**STEP 3:** Divide the total unemployment by the total labor force.

$$24,459 \text{ divided by } 389,214 = 0.062842$$

If the quotient has more than four decimal places, drop the fifth and all subsequent decimal places. 0.062842 is truncated to 0.0628.

**STEP 4:** Multiply the quotient in Step 3 by 100, to express it as a percentage.

$$.0628 \times 100 = 6.28 \text{ percent}$$

**STEP 5:** Round the percentage to one decimal place. This is the area's average unemployment rate for the 24-month period. The State would compare this number to the 20 percent above the national average unemployment rate threshold to determine if the area qualifies for an ABAWD waiver.

6.28 percent is rounded to 6.3 percent; the area's average unemployment rate for the 24-month period is **6.3 percent**.

## CALCULATING THE 24-MONTH UNEMPLOYMENT RATE FOR THE U.S. (THE NATIONAL AVERAGE UNEMPLOYMENT RATE)

**STEP 1:** Obtain the monthly national labor force for the 24-month period from <https://www.bls.gov/cps/> and calculate the total. Use the **One-Screen Data Search** tool for **Labor**

**Force Statistics.** Again, be sure to use **Not Seasonally Adjusted** data. To calculate a 24-month average for a period other than a calendar or fiscal year, the State would need to calculate the national average unemployment rate for the selected 24-month period.

<b>NATIONAL LABOR FORCE (NUMBERS IN THOUSANDS)</b>												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2018</b>	158676	159482	159912	159817	159979	161337	161911	160863	161049	160465	160466	159880
<b>2019</b>	160037	161494	161548	161280	161765	163277	163734	161909	161958	162723	162665	162510
<b>Total</b>	<b>3,868,737</b>											

**STEP 2:** Obtain the monthly national unemployed for the 24-month period and calculate the total.

<b>NATIONAL UNEMPLOYED (NUMBERS IN THOUSANDS)</b>												
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
<b>2018</b>	8149	7887	7284	6555	6572	7250	7441	7287	6556	6242	6286	6278
<b>2019</b>	7189	7091	6671	5932	5756	6812	6730	6370	5766	5771	5650	6029
<b>Total</b>	<b>159,554</b>											

**STEP 3:** Divide the total unemployment by the total labor force:

$$159,554 \text{ divided by } 3,868,737 = .041242$$

If the quotient has more than four decimal places, drop the fifth and all subsequent decimal places. .041242 is truncated to .0412

**STEP 4:** Obtain the unemployment rate 20 percent above national average (multiply by 1.2). The national average must be multiplied by 1.2 prior to any rounding. Only after multiplying the national average by 1.2 can the figure be rounded.

$$.0412 \times 1.2 = .04944$$

Truncate to four decimal places: .0494

**STEP 5:** Express as a percentage by multiplying by 100: 4.94

**STEP 6:** Round to one decimal place: 4.94 is rounded to **4.9 percent**.

## **V. ESTIMATING UNEMPLOYMENT RATES FOR INDIAN RESERVATION AREAS**

The State also has the opportunity to support a request to waive Indian reservation areas and tribal lands using unemployment rates, but BLS does not produce data specific to these areas and other unemployment data is often unavailable.

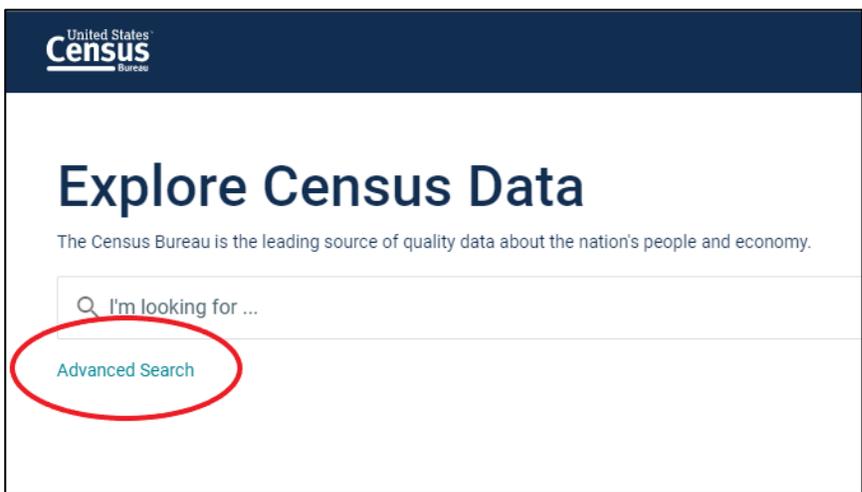
However, the State can estimate unemployment rates for these areas by applying data from the U.S. Census Bureau’s American Community Survey (ACS) to available BLS data, consistent with 273.24(f)(6)(i)(A) of the final rule. The instructions below only cover how to estimate unemployment rates for these areas by applying ACS data to BLS data. Some tribal governments generate their own labor force and/or unemployment data, which if available could also be used to support a waiver.

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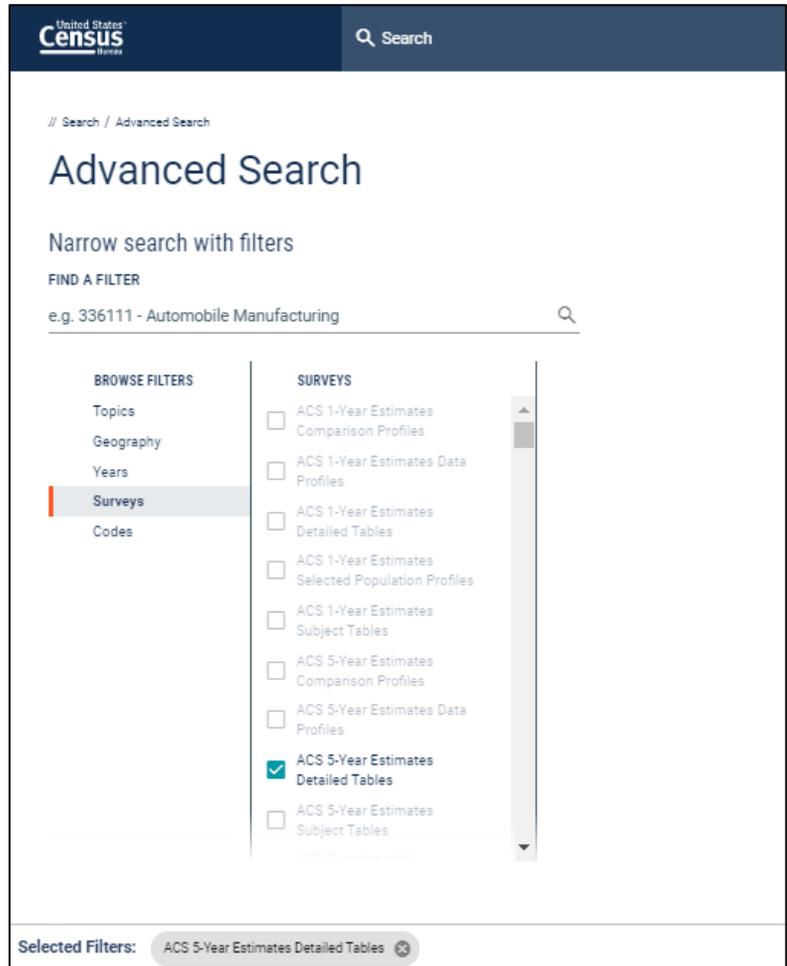
### INSTRUCTIONS ON ESTIMATING UNEMPLOYMENT RATES FOR RESERVATION AREAS

**STEP 1.1:** Use <https://data.census.gov/cedsci/> to obtain 5-year ACS estimates for unemployed and labor force total in the reservation area and the county or counties in which it is located. If the reservation area crosses county lines, unemployed and labor force data must be obtained for each county in which the reservation area is located.

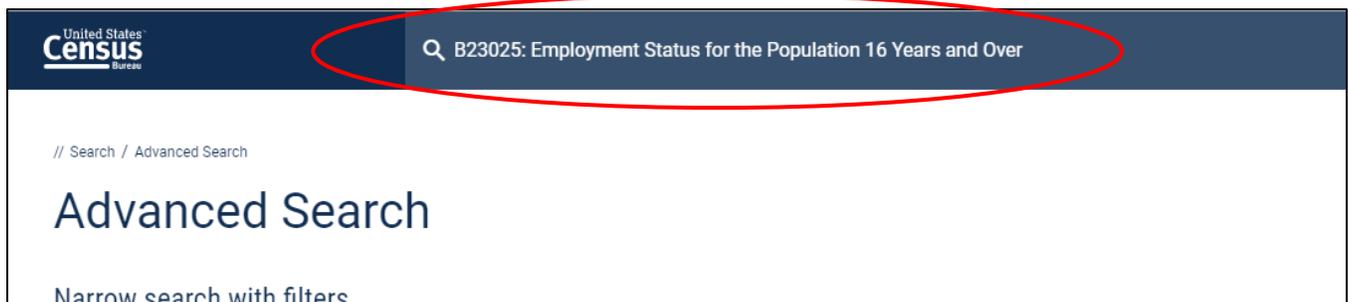
**STEP 1.2:** Select the **Advanced Search** option.



**STEP 1.3:** Open **Surveys**, then select **ACS 5-Year Estimates Detailed Tables**. The ACS will now appear in the **Selected Filters** block at the bottom of the page.



**STEP 1.4:** In the search bar at the top of the webpage, begin typing **B23025: Employment Status for the Population 16 Years and Over**. Select the table when it populates below your search bar.



**STEP 1.5: Select Geographies** to apply geographic filters to the table.

	United States
	Estimate
▼ Total:	255,797,692
▼ In labor force:	162,184,325
▼ Civilian labor force:	161,159,470

**STEP 1.6: Make sure the Show Summary Levels button is toggled.** Select **270 – American Indian Area/Alaska Native Area/ Hawaiian Home Land-State-County**. Use the search bar or scroll to find the desired reservation area. This example uses the portion of the Duck Valley Reservation Area located in Owyhee County, Idaho.

**Note:** If it is not possible to click on **270 – American Indian Area/Alaska Native Area/ Hawaiian Home Land-State-County**, make sure the **Product** at the top of the table is **ACS 5-Year Estimates Detailed Tables**, not 1-Year Estimates.

**GEOGRAPHY**

Show Summary Levels

American Indian Area (Off-Reservation Trust Land Only)/Hawaiian Home Land (or part)-County (or part)-County Subdivision (or part)-Place/Remainder (or part)

269 - American Indian Area/Alaska Native Area/Hawaiian Home Land-State-Place/Remainder

**270 - American Indian Area/Alaska Native Area/Hawaiian Home Land-State-County**

271 - American Indian Area/Alaska Native Area/Hawaiian Home Land-State (or part) within

Duck Valley

**STEP 1.7:** Select **Idaho (part); Duck Valley Reservation**. Then, select **Owyhee County (part); Idaho (part); Duck Valley Reservation, NV—ID**

The screenshot shows the Census Bureau's data selection interface. The main title is "EMPLOYMENT STATUS FOR THE POPULATION 16 YEARS AND OVER". The sidebar on the left lists various geographic levels, with "270 - American Indian Area/Alaska Native Area/Hawaiian Home Land-State-County" selected. The main area displays a list of geographies, with "Idaho (part); Duck Valley Reservation, NV-ID" and "IDAHO (PART); DUCK VALLEY RE..." circled in red. The "Selected Geographies" bar at the bottom shows "Owyhee County (part); Idaho (part); Duck Valley Reservation, NV-ID".

**STEP 1.8:** Select **Close** in the bottom-right corner to return to the filtered table. The data can be downloaded as a zip file that contains Excel spreadsheets by selecting **Download**, and then selecting **CSV format**. Be careful to use the 5-Year estimates when downloading the file, not the 1-Year estimates.

The screenshot shows the "Download Tables" section of the Census Bureau website. The "Select Table Vintages" table is displayed, with the "5-Year" vintage selected. The "File Type" section shows "CSV" selected. The "What You're Getting" section lists the contents of the download: 1 .csv files (metadata), 1 .csv files (data), and 1 .txt files (table title).

Select Table Vintages	All	2017	2016	2015	2014	2013	2012	2011
B23025 5-Year	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>					

**File Type**

CSV  
 PDF

**What You're Getting**

- 1 .csv files (metadata)
- 1 .csv files (data)
- 1 .txt files (table title)

**STEP 2.1:** Calculate the **employed** and **unemployed census shares** for the reservation and the county by dividing the reservation estimate by the county estimate.

- a) **Reservation Estimate Employed / County Estimate Employed = Reservation Employed Share**  
 Example:  $97 / 4,687 = 0.02069554$   
 Truncate to six decimal places (drop the seventh and all subsequent decimal places): 0.020695  
 The employed share for Duck Valley Reservation is 0.020695

- b) **Reservation Estimate Unemployed / County Estimate Unemployed = Reservation Unemployed Share**  
 Example:  $20 / 312 = 0.064102564$   
 Truncate to six decimal places: 0.064102  
 The unemployed share for Duck Valley Reservation is 0.064102

An example of how these calculations may appear in a table or spreadsheet:

	Employed	Employed Share	Unemployed	Unemployed Share
Owyhee County (part); Idaho (part); Duck Valley Reservation, NV-ID	97	0.020695	20	0.064102
Owyhee County	4,687		312	

**STEP 2.2:** Apply the census shares to the BLS county employment and unemployment totals for the selected time period to estimate the reservation unemployment rate. For directions on how to obtain the BLS county data for the selected time period, consult Section II. For this example, the 24-month period of July 2017 through June 2019 is used.

To estimate the reservation unemployment and employment totals, multiply the employed and unemployed census shares by the employment and unemployment totals from BLS for the relevant county. Then, combine the results to get the estimated reservation labor force.

- a) **Reservation employed share multiplied by BLS county employment total**  
 Example:  $0.020695 \times 126,780 = 2,623.7121$   
 Reservation employment total = 2,624
- b) **Reservation unemployed share multiplied by BLS county unemployment total**  
 Example:  $0.064102 \times 4,680 = 299.99736$   
 Reservation unemployment total = 300
- c) **Reservation employment total plus reservation unemployment total equals the reservation labor force total**  
 Example:  $2,624 + 300 = 2,924$   
 Reservation labor force total = 2,924

**STEP 2.3:** Divide the reservation unemployment total by the reservation labor force to get the estimated reservation unemployment rate.

Example:  $300/2,924 = 0.102599$   
 Estimated reservation unemployment rate = 10.3%

The table below summarizes the entire process:

	Owyhee County BLS Data: July 2017 – June 2019	Reservation Census Share	Reservation Estimate
Unemployment	4,680	0.064102	300
Employment	126,780	0.020695	2,624
Labor Force			$2,624 + 300 = 2,924$
<b>Reservation Estimated Unemployment Rate</b>			$300/2,924 = 10.3\%$

In some cases, two or more reservation areas cross the same county’s boundaries. In these cases, calculate the census shares and estimate the unemployment rates for each reservation area independently, one at a time.

**ESTIMATING UNEMPLOYMENT RATES FOR RESERVATION AREAS LOCATED IN MULTIPLE COUNTIES**

An individual reservation area could be located in more than one county. In these cases, calculate the census shares, unemployment, employment, and labor force for each county part individually. Next, aggregate the figures to obtain the totals for the reservation area. Using the totals, estimate the unemployment rate for the reservation area (example below).

	County BLS Data: July 2017 – June 2019	Reservation Census Share	Reservation Estimate
Unemployment (county A part)	5,164	0.092331	477
Unemployment (county B part)	2,225	0.023000	51
Employment (county A part)	118,848	0.010296	1,224
Employment (county B part)	10,100	0.034000	343
Total Reservation Unemployment			$477+51 = 528$
Total Reservation Labor Force			$(477+51) + (1,224+343) = 2,095$
<b>Reservation Estimated Unemployment Rate</b>			$(477+51)/2,095 = 25\%$

## **VI. STATUTORY AND REGULATORY AUTHORITY**

Relevant statutory and regulatory authority include Section 6(o)(4) of the Food and Nutrition Act of 2008, as amended, and 7 CFR 273.24(f).

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### **SECTION 6(O)(4) OF THE FOOD AND NUTRITION ACT OF 2008, AS AMENDED**

(4) WAIVER.—

(A) IN GENERAL.—On the request of a State agency and with the support of the chief executive officer of the State, the Secretary may waive the applicability of paragraph (2) to any group of individuals in the State if the Secretary makes a determination that the area in which the individuals reside—

- (i) has an unemployment rate of over 10 percent; or
- (ii) does not have a sufficient number of jobs to provide employment for the individuals.

(B) REPORT.—The Secretary shall report the basis for a waiver under subparagraph (A) to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

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### **7 CFR 273.24(f)**

(f) *Waivers-*

(1) *General.* The State agency, with the support of the chief executive officer of the State, may request FNS approval to temporarily waive the time limit for a group of individuals in the State in the area in which the individuals reside. To be considered for approval, the request must be supported by corresponding data or evidence demonstrating that the requested area:

- (i) Has an unemployment rate of over 10 percent; or
- (ii) Does not have a sufficient number of jobs to provide employment for the individuals.

(2) *Core standards.* FNS will approve waiver requests under (1)(i) and (ii) that are supported by any one of the following:

(i) Data from the Bureau of Labor Statistics (BLS) or a BLS-cooperating agency that shows an area has a recent 12-month average unemployment rate over 10 percent; or

(ii) Data from the BLS or a BLS-cooperating agency that shows an area has a 24-month average unemployment rate 20 percent or more above the national rate for a recent 24-month period, but in no case may the 24-month average unemployment rate of the requested area be less than 6 percent. In order for the 24-month data period to be considered recent, the number of months from the end of the last month of the 24-month data period through the last month that the waiver would be effective must not exceed 21 months.

(3) *Other data and evidence in an exceptional circumstance.* FNS may approve waiver requests that are supported by data or evidence other than those listed under paragraph (f)(2) of this section if the request demonstrates an exceptional circumstance in an area. The request must demonstrate that the exceptional circumstance has caused a lack of sufficient jobs or an unemployment rate over 10percent,

for example data from the BLS or a BLS-cooperating agency that shows an area has a most recent three-month average unemployment rate over 10 percent. In addition, the request must demonstrate that the impact of the exceptional circumstance is ongoing at the time of the request. Supporting unemployment data provided by the State must rely on standard BLS data or methods.

(4) *Definition of area.* For the purposes of this paragraph, “area” means:

(i) An area considered a Labor Market Area (LMA) by DOL. The State agency must support a waiver for an LMA using corresponding LMA data from the BLS. If such corresponding data is unavailable, the State agency may obtain corresponding data by combining data from sub-LMA areas that are collectively considered to be a LMA by DOL.

(ii) The intrastate part of an interstate LMA. Intrastate parts of interstate LMAs may qualify for waivers based on data from the entire interstate LMA. If the State Agency’s geographic boundaries are entirely within one interstate LMA, such as the District of Columbia, the entire State may qualify for a waiver based on data from the entire interstate LMA.

(iii) A reservation area or a U.S. Territory. Each of these is considered to be an area for the purposes of waivers.

(5) *Duration of waiver approvals.* In general, FNS will approve waivers for one year. FNS may approve waivers for a shorter period at the State agency’s request. Waivers under paragraph (f)(2)(ii) of this section will be approved in accordance with paragraph (f)(2)(ii).

(6) *Areas with limited data or evidence.* Waiver requests for an area for which standard BLS data or data from a BLS-cooperating agency is limited or unavailable, such as a reservation area or U.S. Territory, are not required to conform to the criteria for approval under paragraphs (f)(2), (f)(3), and (f)(5). The supporting data or evidence provided by the State must be recent and must correspond to the requested area.

(i) FNS may approve waivers for these areas if the requests are supported by sufficient data or evidence, such as:

- (A) Estimated unemployment rate based on available data from BLS and the U.S. Census Bureau;
- (B) A low and declining employment-to-population ratio;
- (C) A lack of jobs in declining occupations or industries; or
- (D) An academic study or other publication describing the area as lacking a sufficient number of jobs to provide employment for its residents.