



April 2, 2019

Certification Policy Branch  
SNAP Program Development Division  
Food and Nutrition Service, USDA  
3101 Park Center Drive  
Alexandria, Virginia 22302

[Submitted via <https://www.regulations.gov>]

RE: Proposed Rule: Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents RIN 0584-AE57

Dear Certification Policy Branch:

The National Women's Law Center (the "Center") takes this the opportunity to comment in opposition to USDA's Proposed Rulemaking on SNAP requirements and services for "Able-Bodied Adults Without Dependents" (ABAWDs). The proposed changes would cause serious harm to low-income women and their families, their communities, and the nation.

The Center fights for gender justice — in the courts, in public policy, and in society — working across the issues that are central to the lives of women and girls. The Center uses the law in all its forms to change culture and drive solutions to the gender inequity that shapes society and to break down the barriers that harm everyone — especially those who face multiple forms of discrimination, including women of color; lesbian, gay, bisexual, transgender, and queer (LGBTQ) people; and low-income women and families. For more than 45 years, the Center has been on the leading edge of every major legal and policy victory for women.

Because of the importance of the Supplemental Nutrition Assistance Program (SNAP) to women's economic security, health, and well-being,<sup>1</sup> the Center strongly opposes any change in policy or regulation

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<sup>1</sup> HEATHER HARTLINE-GRAFTON, FOOD RES. & ACTION CTR., THE IMPACT OF FOOD INSECURITY ON WOMEN'S HEALTH, <http://frac.org/blog/impact-food-insecurity-womens-health>. See also STEVEN CARLSON & BRYNNE KEITH-JENNINGS, CTR. ON BUDGET AND POL'Y PRIORITIES, SNAP IS LINKED WITH IMPROVED NUTRITIONAL OUTCOMES AND LOWER HEALTH

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that further limits the receipt of SNAP benefits by low-income women. USDA notes that the proposed rule, if implemented, has “the *potential for disparately impacting certain protected groups due to factors affecting rates of employment of members of these groups.*”<sup>2</sup> Because low-income women face significant barriers to finding stable jobs that meet SNAP’s weekly hours requirements, and the USDA has not described any mitigation strategies to lessen the disparate impact of the proposed rule on women, the Center’s comment will argue that this proposed rule would further jeopardize the economic security of women, children, and families.

## **I. SNAP MATTERS**

SNAP plays a critical role in reducing hunger, food insecurity, and poverty for millions of women and families. If counted in the Official Poverty Measure, SNAP would have lifted the incomes of more than 2.3 million people above the poverty line in 2017, including more than 688,000 women between the ages of 18 and 64 and 1.5 million children.<sup>3</sup> In Fiscal Year (FY) 2017, SNAP served more than 42.1 million people in nearly 20.8 million households on average each month.<sup>4</sup> Women make up 63 percent of non-elderly adult SNAP recipients.<sup>5</sup>

SNAP serves a diverse group of women and families:

- White, non-Hispanic women make up 24 percent of nonelderly adult recipients, while 35 percent of nonelderly adult recipients are women of color.<sup>6</sup>
- In 2016, women were almost 48 percent of noncitizen recipients of SNAP.<sup>7</sup>

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CARE COSTS, (Jan. 17, 2018), <https://www.cbpp.org/research/food-assistance/snap-is-linked-with-improved-nutritional-outcomes-and-lower-health-care>.

<sup>2</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. 980, 990 (Feb. 1, 2019) (emphasis added).

<sup>3</sup> Nat’l Women’s Law Ctr. calculations based on U.S. CENSUS BUREAU, 2018 CURRENT POPULATION SURVEY using Table Creator, *available at* <https://www.census.gov/cps/data/cpstablecreator.html>.

<sup>4</sup> U.S. DEP’T OF AGRIC., FOOD & NUTRITION SERVS., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2017 xv (Feb. 2019), *available at* <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2017.pdf> (hereinafter “SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017”).

<sup>5</sup> *Id.* at 21. Non-elderly adults are defined as people age 18 through 59. *Id.*

<sup>6</sup> Nat’l Women’s Law Ctr. calculations based on U.S. CENSUS BUREAU, 2018 CURRENT POPULATION SURVEY using SARAH FLOOD ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018) (hereinafter “2018 CURRENT POPULATION SURVEY”).

<sup>7</sup> Nat’l Women’s Law Ctr. calculations based on U.S. CENSUS BUREAU, 2017 CURRENT POPULATION SURVEY, using SARAH FLOOD ET AL., INTEGRATED PUBLIC USE MICRODATA SERIES (IPUMS): VERSION 6.0 [Machine-readable database] (Minneapolis: University of Minnesota, 2018) (hereinafter “2017 CURRENT POPULATION SURVEY”).

- In a recent national survey, 26.1 percent of LGBTQ female survey respondents and 41.2 percent of disabled LGBTQ survey respondents reported receiving SNAP.<sup>8</sup>
- SNAP serves over 11 million people with disabilities.<sup>9</sup>
- In another survey, 31 percent of survivors of domestic violence reported applying for food assistance since the abusive relationship began.<sup>10</sup>
- SNAP serves over 18 million children.<sup>11</sup>
- In 2016, children were 11 percent of noncitizen recipients of SNAP.<sup>12</sup>

#### **A. SNAP Is the First Line of Defense Against Food Insecurity for Women, Children, and Families**

Nearly one in eight U.S. households experience food insecurity<sup>13</sup> during the year.<sup>14</sup> Here are just some of the alarming statistics about food insecurity in the U.S.:

- In 2017, about 14 percent of women living alone faced food insecurity.<sup>15</sup>
- In 2014, same-sex couples were almost twice as likely as different-sex couples to experience food insecurity.<sup>16</sup>

<sup>8</sup> CAITLIN ROONEY, CHARLIE WHITTINGTON & LAURA E. DURSO, CTR. FOR AM. PROGRESS, PROTECTING BASIC LIVING STANDARDS FOR LGBTQ PEOPLE (Aug. 2018), *available at* <https://cdn.americanprogress.org/content/uploads/2018/08/10095627/LGBT-BenefitCuts-report.pdf>.

<sup>9</sup> STEVEN CARLSON ET AL., CTR. ON BUDGET & POL'Y PRIORITIES, SNAP PROVIDES NEEDED FOOD ASSISTANCE TO MILLIONS OF PEOPLE WITH DISABILITIES (June 14, 2017), <https://www.cbpp.org/research/food-assistance/snap-provides-needed-food-assistance-to-millions-of-people-with> (data based on the 2015 National Health Interview Survey). U.S. Department of Agriculture demographic data provide a 4.5 million statistic for FY 2017 but uses a narrower definition of disability. SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017, *supra* note 4, at 3, 22.

<sup>10</sup> THE NAT'L DOMESTIC VIOLENCE HOTLINE, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, & NAT'L LATIN@ NETWORK, WE WOULD HAVE HAD TO STAY (Nov. 2018), *available at* [https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDV\\_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf](https://vawnet.org/sites/default/files/assets/files/2018-11/NRCDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf).

<sup>11</sup> SNAP HOUSEHOLD CHARACTERISTICS FOR FY 2017, *supra* note 4, at 22 (Table 3.5).

<sup>12</sup> 2017 CURRENT POPULATION SURVEY, *supra* note 7.

<sup>13</sup> The U.S. Department of Agriculture defines food insecurity as a "lack of consistent access to enough food for an active, healthy life." ECON. RESEARCH SERV., U.S. DEP'T OF AGRIC., DEFINITIONS OF FOOD SECURITY (2018), *available at* <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-us/definitions-of-food-security.aspx>.

<sup>14</sup> ALISHA COLEMAN-JENSEN ET AL., U.S. DEP'T OF AGRIC., HOUSEHOLD FOOD INSECURITY IN THE UNITED STATES IN 2017, at 13 (Sept. 2018), *available at* <https://www.ers.usda.gov/webdocs/publications/90023/err-256.pdf?v=0>.

<sup>15</sup> *Id.* at 13.

<sup>16</sup> TAYLOR N.T. BROWN, ADAM P. ROMERO & GARY J. GATES, THE WILLIAMS INST., FOOD INSECURITY AND SNAP PARTICIPATION IN THE LGBT COMMUNITY (2016), *available at* <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-and-SNAP-Participation-in-the-LGBT-Community.pdf>.



- In 2013, 33 percent of households with an adult age 18 to 64 with a disability who was not in the labor force, and 25 percent of households with adults age 18 to 64 with other reported disabilities, were food insecure.<sup>17</sup>
- Food insecurity heightens the risk of rape, physical violence, or stalking by an intimate partner.<sup>18</sup>
- In 2017, 12.5 million children (one in six children) in the U.S. lived in a household faced food insecurity.<sup>19</sup>
- In 2017, over 30 percent of households with children headed by a single woman faced food insecurity.<sup>20</sup>
- Studies have consistently found that households that include children with disabilities face high rates of food insecurity.<sup>21</sup>
- A longitudinal survey found that nearly 29 percent of former foster youth at age 23 or 24 face food insecurity.<sup>22</sup>

As the nation's largest federal food assistance program, SNAP is the first line of defense against food insecurity. SNAP works effectively by providing families struggling to make ends meet with monthly funds specifically designated for food purchases. Research shows that, for example, households with children who participate in SNAP for six months have an 8.5 percentage point decrease in food insecurity.<sup>23</sup>

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<sup>17</sup> ALISHA COLEMAN-JENSEN & MARK NORD, U.S. DEP'T OF AGRIC., ECONOMIC RESEARCH SERVICE, FOOD INSECURITY AMONG HOUSEHOLDS WITH WORKING-AGE ADULTS WITH DISABILITIES (2013), *available at* [https://www.ers.usda.gov/webdocs/publications/45038/34589\\_err\\_144.pdf?v=41284](https://www.ers.usda.gov/webdocs/publications/45038/34589_err_144.pdf?v=41284). Individuals with other reported disabilities are individuals "who had a disability but did not indicate they were out of the labor force due to disability." For comparison, 12 percent of households with no disabled adult were food insecure. *Id.*

<sup>18</sup> MATTHEW J. BREIDING, MICHELE C. BLACK & JIERU CHEN, CTRS. FOR DISEASE CONTROL & PREVENTION, NAT'L CTR. FOR INJ. PREVENTION & CONTROL, INTIMATE PARTNER VIOLENCE IN THE UNITED STATES — 2010 (2014), *available at* [https://www.cdc.gov/violenceprevention/pdf/cdc\\_nisvs\\_ipv\\_report\\_2013\\_v17\\_single\\_a.pdf](https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_single_a.pdf).

<sup>19</sup> COLEMAN-JENSEN ET AL., *supra* note 14, at 9.

<sup>20</sup> COLEMAN-JENSEN ET AL., *supra* note 14, at 13.

<sup>21</sup> SUSAN L. PARISH, ET AL., LURIE INST. FOR DISABILITY POL'Y, Presentation at the National Association for Welfare Research and Statistics Annual Workshop: FOOD INSECURITY AMONG U.S. CHILDREN WITH DISABILITIES (Aug. 2015), *available at* <http://nawrs.org/wp-content/uploads/2015/09/2C-Parish-Food-Insecurity.pdf>.

<sup>22</sup> MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGES 23 AND 24, at 36 (2010), *available at* <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-23-and-24.pdf> (providing data based on respondents answering yes to questions such as "did not eat as much as you should because you did not have enough money for food").

<sup>23</sup> JAMES MABLI ET AL., MEASURING THE EFFECT OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION ON FOOD SECURITY, U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERVS., (Aug. 2013), <https://fns-prod.azureedge.net/sites/default/files/Measuring2013.pdf>.

## **B. SNAP Is a Critical Health Intervention and Support for People Struggling to Make Ends Meet**

Research shows that food insecurity increases the risk of negative physical and mental health outcomes.<sup>24</sup> Food insecurity has harmful impacts on health, including increases in the prevalence and severity of diet-related disease, such as obesity, type 2 diabetes, heart disease, stroke, and some cancers.<sup>25</sup> This exasperates the heightened risk women, particularly women of color, have for contracting these diseases.<sup>26</sup> In addition, because of limited financial resources, those who are food insecure may attempt to stretch budgets by using strategies that can be harmful to their health, such as underusing or postponing medication because of cost,<sup>27</sup> postponing or forgoing

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<sup>24</sup> HARTLINE-GRAFTON, *supra* note 1; FOOD RES. & ACTION CTR., THE IMPACT OF POVERTY, FOOD INSECURITY, AND POOR NUTRITION ON HEALTH AND WELL-BEING 3-6 (Dec. 2017), *available at* <http://frac.org/wp-content/uploads/hunger-health-impact-poverty-food-insecurity-health-well-being.pdf>.

<sup>25</sup> BRANDI FRANKLIN ET AL., EXPLORING MEDIATORS OF FOOD INSECURITY AND OBESITY: A REVIEW OF RECENT LITERATURE, 37 J. CMTY. HEALTH 253-264 (2012); SETH A. BERKOWITZ ET AL., FOOD INSECURITY, FOOD “DESERTS,” AND GLYCEMIC CONTROL IN PATIENTS WITH DIABETES: A LONGITUDINAL ANALYSIS, 41 DIABETES CARE 1188 (2018); CHRISTIAN A. GREGORY & ALISHA COLEMAN-JENSEN, U.S. DEP’T OF AGRIC., ECON. RES. SERV., FOOD INSECURITY, CHRONIC DISEASE, AND HEALTH AMONG WORKING-AGE ADULTS (July 2017), *available at* <https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf?v=0>.

<sup>26</sup> FRANKLIN ET AL., *supra* note 25 (noting the link between food insecurity and obesity among women); NAT’L PARTNERSHIP FOR WOMEN & FAMILIES, AN AGENDA FOR PROGRESS FOR WOMEN AND FAMILIES (Dec. 2018), <http://www.nationalpartnership.org/our-work/an-agenda-for-progress-for-women-and-families.html> (noting that women of color experience higher rates of diabetes, cardiovascular disease, and hypertension and are more likely to die from cervical cancer or breast cancer); NAT’L PARTNERSHIP FOR WOMEN & FAMILIES ET AL., ATTACKS ON THE AFFORDABLE CARE ACT, PLANNED PARENTHOOD AND MEDICAID ARE ATTACKS ON REPRODUCTIVE JUSTICE FOR WOMEN OF COLOR (Sept. 2017), *available at* <http://www.nationalpartnership.org/our-work/resources/repro/attacks-on-the-affordable-care-act-planned-parenthood-and-medicaid-are-attacks-on-reproductive-justice-for-women-of-color.pdf> (noting higher breast cancer mortality rates for Black women, higher rates of cervical cancer for Latinx women, and that cancer is the leading cause of death for Asian-American and Pacific Islander women); MIQUEL DAVIES, NAT’L WOMEN’S LAW CTR., THE TRUMP ADMINISTRATION IS QUIETLY SABOTAGING OPEN ENROLLMENT AND PUTTING THE LIVES AND HEALTH OF WOMEN OF COLOR AT RISK (Dec. 5, 2017), <https://nwlc.org/blog/the-trump-administration-is-quietly-sabotaging-open-enrollment-and-putting-the-lives-and-health-of-women-of-color-at-risk/> (noting health disparities for women of color); U.S. DEP’T OF HEALTH & HUMAN SERVS., CTRS. FOR DISEASE CONTROL & PREVENTION, WOMEN AND STROKE, *available at* [https://www.cdc.gov/stroke/docs/Women\\_Stroke\\_Factsheet.pdf](https://www.cdc.gov/stroke/docs/Women_Stroke_Factsheet.pdf) (noting that nearly 60 percent of stroke deaths happen to women and that Black women are almost twice as likely as white women to have a stroke).

<sup>27</sup> DENA HERMAN ET AL., FOOD INSECURITY AND COST-RELATED MEDICATION UNDERUSE AMONG NONELDERLY ADULTS IN A NATIONALLY REPRESENTATIVE SAMPLE, 105 AM. J. PUBLIC HEALTH 48 (2015); PATIENCE AFULANI ET AL., FOOD INSECURITY AND HEALTH OUTCOMES AMONG OLDER ADULTS: THE ROLE OF COST-RELATED MEDICATION UNDERUSE 34 J. NUTRITION IN GERONTOLOGY AND GERIATRICS 319 (2015); CHADWICK K. KNIGHT ET AL., HOUSEHOLD FOOD INSECURITY AND MEDICATION “SCRIMPING” AMONG US ADULTS WITH DIABETES, 83 PREVENTIVE MEDICINE 41 (2016).

preventive or needed medical care,<sup>28</sup> and forgoing the foods needed for special medical diets (e.g., diabetic diets).<sup>29</sup> Not surprisingly, research shows that household food insecurity is a strong predictor of increased numbers of emergency department visits and hospitalizations and increased health care costs.<sup>30</sup>

Research not only demonstrates that SNAP decreases food insecurity,<sup>31</sup> but it also reduces health care utilization and costs.<sup>32</sup> Furthermore, SNAP improves health outcomes, including physical and mental health, for children, adults, and seniors.<sup>33</sup>

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<sup>28</sup> VICTORIA L. MAYER ET AL., FOOD INSECURITY, COPING STRATEGIES AND GLUCOSE CONTROL IN LOW-INCOME PATIENTS WITH DIABETES, 19 PUB. HEALTH NUTRITION 1103 (2016); MARGOT B. KUSHEL ET AL., HOUSING INSTABILITY AND FOOD INSECURITY AS BARRIERS TO HEALTH CARE AMONG LOW-INCOME AMERICANS, 21 J. GEN. INTERNAL MED. 71 (2006). See also MUNIRA Z. GUNJA ET AL., COMMONWEALTH FUND, HOW THE AFFORDABLE CARE ACT HAS HELPED WOMEN GAIN INSURANCE AND IMPROVED THEIR ABILITY TO GET HEALTH CARE (2017), <https://www.commonwealthfund.org/publications/issue-briefs/2017/aug/how-affordable-care-act-has-helped-women-gain-insurance-and> (noting that even though health insurance coverage gains through the Affordable Care Act have reduced the share of women skipping or delaying care because of costs, in 2016, 38 percent of women age 19 through 64 still reported not getting the health care they needed because of costs).

<sup>29</sup> HILARY K. SELIGMAN ET AL., FOOD INSECURITY AND GLYCEMIC CONTROL AMONG LOW-INCOME PATIENTS WITH TYPE 2 DIABETES, 35 DIABETES CARE 233 (2012); Valerie S. TARASUK, HOUSEHOLD FOOD INSECURITY WITH HUNGER IS ASSOCIATED WITH WOMEN'S FOOD INTAKES, HEALTH AND HOUSEHOLD CIRCUMSTANCES, 131 J. NUTRITION 2670 (2001).

<sup>30</sup> VALERIE TARASUK ET AL., ASSOCIATION BETWEEN HOUSEHOLD FOOD INSECURITY AND ANNUAL HEALTH CARE COSTS, 187 CAN. MED. ASS'N J. E429 (2015); SETH BERKOWITZ ET AL., FOOD INSECURITY AND HEALTH EXPENDITURES IN THE UNITED STATES, 2011-2013, 53 HEALTH SERVS. RES. 1600 (2017).

<sup>31</sup> CAROLINE RATCLIFFE, SIGNE-MARY MCKERNAN & SISI ZHANG, HOW MUCH DOES THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM REDUCE FOOD INSECURITY?, 93 AM. J. AGRIC. ECON. 1082 (2011) (finding that SNAP reduces food insecurity by approximately 30 percent); JAMES MABLI & JULIE WORTHINGTON, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPATION AND CHILD FOOD SECURITY, 133 PEDIATRICS 610 (2014); M. NORD, HOW MUCH DOES THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ALLEVIATE FOOD INSECURITY? EVIDENCE FROM RECENT PROGRAMME LEAVERS 15 PUB. HEALTH NUTRITION 811 (2012).

<sup>32</sup> CHRISTIAN A. GREGORY & PARTHA DEB, DOES SNAP IMPROVE YOUR HEALTH?, 50 FOOD POL'Y 11 (2015); HILARY K. SELIGMAN ET AL., EXHAUSTION OF FOOD BUDGETS AT MONTH'S END AND HOSPITAL ADMISSIONS FOR HYPERGLYCEMIA, 33 HEALTH AFFAIRS 116 (2014). For example, a national study revealed that SNAP participation was associated with lower health care costs. SETH BERKOWITZ ET AL., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION AND HEALTH CARE EXPENDITURES AMONG LOW-INCOME ADULTS, 177 JAMA INTERNAL MEDICINE 1642 (2017). On average, low-income adults participating in SNAP incurred nearly 25 percent less in health care costs in 12 months, including those paid by private or public insurance, than low-income adults not participating in SNAP. BERKOWITZ ET AL., *supra*.

<sup>33</sup> HARTLINE-GRAFTON, *supra* note 1. For instance, SNAP increases the probability of self-reporting "excellent" or "good health." CHRISTIAN A. GREGORY & PARTHA DEB, DOES SNAP IMPROVE YOUR HEALTH?, 50 FOOD POL'Y 11 (2015). SNAP also lowers the risk of poor glucose control (for those with diabetes). MAYER ET AL., *supra* note 28. SNAP also has a protective effect on mental health. CINDY W. LEUNG ET AL., HOUSEHOLD FOOD INSECURITY IS POSITIVELY ASSOCIATED WITH DEPRESSION AMONG LOW-INCOME SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM PARTICIPANTS AND INCOME-ELIGIBLE NONPARTICIPANTS, 145 J. NUTRITION 622 (2015).



SNAP also helps reduce stress for struggling individuals and families worried about finances; stress is highly correlated with poor health outcomes.<sup>34</sup> Research also shows that SNAP helps to ensure that infants and toddlers meet developmental milestones and helps improve children's performance in elementary school and beyond.<sup>35</sup>

### C. Receiving SNAP Helps People Work

Having sufficient food helps people work.<sup>36</sup> Contrary to the underlying assumptions in the proposed rule, work rates among SNAP recipients are high. Among SNAP participants who can work, most do. In households with at least one working-age, non-disabled adult, 58 percent were employed while on SNAP, and 82 percent were employed prior to or after receiving SNAP.<sup>37</sup> SNAP helps people meet their basic needs while working in low-wage jobs or while in between jobs.<sup>38</sup> By helping families buy groceries, SNAP helps ensure that they have the energy and resources they need to look for work and perform well on the job.

The program's benefit structure also explicitly incentivizes work, favoring earned income over unearned income through an earnings disregard, and phasing out gradually as income rises so that, for most households, each additional dollar of earned income results in a reduction of SNAP benefits of only 24 to 36 cents.<sup>39</sup>

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<sup>34</sup> ROBERT-PAUL JUSTER, BRUCE S. MCEWEN & SONIA J. LUPIEN, ALLOSTATIC LOAD BIOMARKERS OF CHRONIC STRESS AND IMPACT ON HEALTH AND COGNITION, 35 NEUROSCIENCE AND BIOBEHAVIORAL REVIEWS 2 (2010).

<sup>35</sup> STEVEN CARLSON ET AL., CTR. ON BUDGET & POL'Y PRIORITIES, SNAP WORKS FOR AMERICA'S CHILDREN (Sept. 29, 2016), <https://www.cbpp.org/research/food-assistance/snap-works-for-americas-children>.

<sup>36</sup> BRYNNE KEITH-JENNINGS & RAHEEM CHAUDHRY, CTR. ON BUDGET & POL'Y PRIORITIES, MOST WORKING-AGE SNAP PARTICIPANTS WORK, BUT OFTEN IN UNSTABLE JOBS 1 (Mar. 15, 2018), *available at* <https://www.cbpp.org/sites/default/files/atoms/files/3-15-18fa.pdf>.

<sup>37</sup> CTR. ON BUDGET & POL'Y PRIORITIES, CHART BOOK: SNAP HELPS STRUGGLING FAMILIES PUT FOOD ON THE TABLE (Feb. 2018), <https://www.cbpp.org/research/food-assistance/chart-book-snap-helps-struggling-families-put-food-on-the-table> (hereinafter "SNAP HELPS STRUGGLING FAMILIES").

<sup>38</sup> CAITLIN ROONEY & SARAH HASSMER, CTR. FOR AM. PROGRESS & NAT'L WOMEN'S LAW CTR., PROGRAMS THAT SUPPORT BASIC LIVING STANDARDS FOR LGBTQ WOMEN SHOULD BE STRENGTHENED – NOT CUT (Mar. 2019), <https://nwlc.org/resources/programs-that-support-basic-living-standards-for-lgbtq-women-should-be-strengthened-not-cut/>.

<sup>39</sup> See ELIZABETH WOLKOMIR & LEXIN CAI, CTR. ON BUDGET & POL'Y PRIORITIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM INCLUDES EARNINGS INCENTIVES (Mar. 6, 2018), <https://www.cbpp.org/research/food-assistance/the-supplemental-nutrition-assistance-program-includes-earnings-incentives> (providing information on how the benefit structure incentivizes work); DOROTHY ROSENBAUM, CTR. ON BUDGET & POL'Y PRIORITIES, THE RELATIONSHIP BETWEEN SNAP AND WORK AMONG LOW-INCOME HOUSEHOLDS (Jan. 2013), <https://www.cbpp.org/research/the-relationship-between-snap-and-work-among-low-income-households> (providing information on the relationship between SNAP and work).



SNAP recipients, like many low-wage workers, do experience periods of joblessness. But they quickly return to the workforce. Nearly three quarters of adults who participate in SNAP in a typical month work within a year of the month of participation.<sup>40</sup>

#### **D. SNAP Helps the Economy**

SNAP has historically served as an automatic economic stabilizer in changing times. It helps to shorten recessions and dampen the effects of an economic cycle in downturn. Without the mitigating effects of SNAP, the impact of recessions can escalate. During the Great Recession, the USDA's Economic Research Service estimated that each \$5 in federal SNAP benefits generates \$9 in economic activity (Gross Domestic Product and production).<sup>41</sup> Economists estimated that in early 2015, every additional \$1 allocated to SNAP created \$1.22 in GDP.<sup>42</sup>

SNAP is also a job creator. The program supported 782,600 jobs in 2018.<sup>43</sup> SNAP dollars help many food retailers operating on thin margins remain in business, which improves food access for all residents.

## **II. AREA WAIVERS AND INDIVIDUAL EXEMPTIONS PROVIDE WAYS TO MODESTLY AMELIORATE THE HARSH IMPACT OF ARBITRARY TIME LIMITS**

Federal law limits SNAP eligibility for unemployed and underemployed adults without dependent children age 18 through 49 (except for those who are exempt) to just three months out of every three years unless they are able to obtain, maintain, and document

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<sup>40</sup> KEITH-JENNINGS & CHAUDHRY, *supra* note 36. See also LAUREN BAUER, BROOKINGS INST., WORKERS COULD LOSE SNAP BENEFITS UNDER TRUMP'S PROPOSED RULE (Dec. 20, 2018), <https://www.brookings.edu/blog/up-front/2018/12/20/workers-could-lose-snap-benefits-under-trumps-proposed-rule/> (providing analysis with similar findings and focusing on people subject to SNAP's time limit).

<sup>41</sup> KENNETH HANSON, U.S. DEP'T OF AGRIC., THE FOOD ASSISTANCE NATIONAL INPUT-OUTPUT MULTIPLIER (FANIOM) MODEL AND STIMULUS EFFECTS OF SNAP iv (Oct. 2010), available at [https://www.ers.usda.gov/webdocs/publications/44748/7996\\_err103\\_1\\_.pdf?v=0](https://www.ers.usda.gov/webdocs/publications/44748/7996_err103_1_.pdf?v=0).

<sup>42</sup> ALAN S. BLINDER & MARK ZANDI, CTR. ON BUDGET & POL'Y PRIORITIES, THE FINANCIAL CRISIS: LESSONS FOR THE NEXT ONE 8 (Oct. 2015), <https://www.cbpp.org/sites/default/files/atoms/files/10-15-15pf.pdf>.

<sup>43</sup> RACHEL WEST & REBECCA VALLAS, CTR. FOR AM. PROGRESS, TRUMP'S EFFORT TO CUT SNAP BY FIAT WOULD KILL 178,000 JOBS OVER THE NEXT DECADE (Mar. 14, 2019), <https://www.americanprogress.org/issues/poverty/news/2019/03/14/466700/trumps-effort-cut-snap-fiat-kill-178000-jobs-next-decade/>.





an average of 20 hours a week of employment.<sup>44</sup> Nearly half of the 3.8 million SNAP participants subject to this time limit in 2016 were women.<sup>45</sup>

This provision is harsh and unfair. It harms low-income people by denying them food benefits at a time when they most need it, and it does not result in increased employment and earnings. Many unemployed or underemployed low-income women face considerable barriers to accessing quality jobs and may lose their SNAP benefits due to the time limit despite their willingness to work, for reasons that are described in more detail below. Time-limiting food assistance to this group does not change their need for adequate nutrition. Rather, harsh time limits shift the cost of providing food to states, cities, and local charities, which are less equipped to respond to a rise in need, or result in higher rates of food insecurity among unemployed or under-employed individuals and their families.

However, under the law, states have some flexibility to ameliorate the impact of the cutoff. They can request a waiver of the time limit for areas within the state that have 10 percent or higher unemployment rates or, based on other economic indicators, “does not have a sufficient number of jobs to provide employment for the individuals.”<sup>46</sup>

The current waiver criteria allow states to be immediately responsive and to assist workers and families during inevitable economic downturns, like the 2008 recession, as well as workers in communities hit hard by structural economic changes such as the closure of a factory. This waiver authority allows unemployed and underemployed women with very low incomes to continue to receive basic food assistance that helps them make ends meet during such difficult times. The rules governing areas’ eligibility for waivers<sup>47</sup> have been in place for nearly 20 years, and every state except Delaware has availed themselves of waivers at some point since the time limit became law. The waiver rules are transparent and manageable for states to operationalize.

Moreover, states have discretion to exempt individuals from the time limit by utilizing a pool of exemptions (referred to as “15 percent exemptions”).<sup>48</sup> While the 2018 Farm Bill modified the number of exemptions that states can receive each year from 15 percent to 12 percent,<sup>49</sup> it did not change their ability to carry over unused exemptions. These individual exemptions are vital for women who live in areas not covered by a state

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<sup>44</sup> 7 U.S.C 51 §2015(o).

<sup>45</sup> U.S. DEP’T OF AGRIC., FOOD & NUTRITION SERVS., CHARACTERISTICS OF ABLE-BODIED ADULTS WITHOUT DEPENDENTS, *available at* <https://fns-prod.azureedge.net/sites/default/files/snap/nondisabled-adults.pdf>.

<sup>46</sup> 7 U.S.C 51 § 2015 (o)(4)(A).

<sup>47</sup> 7 C.F.R. § 273.24(f).

<sup>48</sup> 7 U.S.C 51 § 2015 (o)(6).

<sup>49</sup> Agriculture Improvement Act of 2018, Pub. L. No. 115-334, § 4005(b)(3) 132 Stat. 4490 (to be codified at 7 U.S.C 51 § 2015 (o)(6)(E)).



waiver but face challenges in meeting the 20-hour weekly work reporting requirement, such as women facing employment discrimination, domestic violence survivors, and former foster youth.

### **III. PROPOSED RULE UNDERMINING LAW'S SAFETY VALVES SHOULD BE REJECTED**

The Center strongly opposes the proposed rule, which would expose even more people to the arbitrary food cutoff policy by limiting state flexibility regarding area waivers and individual exemptions. When several states re-instated the time limit in 2016 after suspending it due to the Great Recession, at least 500,000 people lost SNAP benefits.<sup>50</sup> By the Administration's own calculations, the proposed rule would take food away from 755,000 low-income Americans, cutting food benefits by \$15 billion over 10 years.<sup>51</sup> The Administration does not estimate any improvements in health or employment among the affected population.

The proposed rule would:

- make it harder for areas with elevated unemployment rates to qualify for waivers of the time limit by adding a 7 percent unemployment rate floor as a condition.
- make it harder for states to obtain and implement area waivers by dropping statewide waivers except when a state triggers extended benefits (EB) under Unemployment Insurance. This is problematic because the criteria for activating the EB program are outdated, resulting in EB being turned on too slowly, even as economic conditions deteriorate. Additionally, many states are dissuaded from adopting a more realistic measure to trigger on EB because they must pay half the costs.
- restrict the geographic flexibility for states to request waivers based on a group of counties as defined by the state or based on a portion of a county. States could only request waivers for individual counties or federally-designated Labor Market Areas and could not use Workforce Development Board areas. This could mean that time limits would take effect in only one county in a larger workforce area, or in central cities with high unemployment rates that are part of counties with lower unemployment rates.

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<sup>50</sup> ED BOLEN ET AL., CTR. ON BUDGET & POL'Y PRIORITIES, MORE THAN 500,000 ADULTS WILL LOSE SNAP BENEFITS IN 2016 AS WAIVERS EXPIRE (Mar. 2016), <https://www.cbpp.org/research/food-assistance/more-than-500000-adults-will-lose-snap-benefits-in-2016-as-waivers-expire> (hereinafter "MORE THAN 500,000 ADULTS WILL LOSE SNAP").

<sup>51</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. at 989.

- unduly limit the economic factors considered in assessing an area’s eligibility for a waiver (e.g., by no longer allowing employment to population ratios that demonstrate economic weakness to qualify areas for waivers).
- undermine efficient state implementation of area waivers by limiting their duration to 12 months and delaying their start dates until after USDA processes the request.
- remove states’ ability to use exemptions accumulated prior to the rule’s implementation as well as limit the time states have to use exemptions they receive in the future.

**A. In the Notice of Proposed Rulemaking, USDA Anticipates Widespread Harm from This Proposed Rule but Neither Provides Analysis About the Impacts the Changes Would Have on Particular Individuals and Population Groups, Nor Realistic Plans to Mitigate that Harm**

USDA asserts that two-thirds of those individuals who would be made newly subject to the time limit if the proposed rule goes into effect “would not meet the requirements for failure to engage meaningfully in work or work training.”<sup>52</sup> This estimate of harm is severe and significant and shows that this proposed rule would not in fact “encourage” work, but it would instead just take SNAP away from low-income families, with devastating impacts.

While USDA does not acknowledge the challenges women may face in consistently working 20 hours per week, USDA concedes that the proposed changes “have the potential for disparately impacting certain protected groups due to factors affecting rates of employment of these groups.”<sup>53</sup> It is reasonable to assume that women are included within those potentially affected groups in the absence of language indicating that they are not and given their disproportionate rate of unemployment and underemployment, as described in more detail below.

In addition, the USDA’s proposed method for determining lack of sufficient jobs, a criterion for approving time limit waivers, is inadequate and is likely to disproportionately harm protected groups, including women. In the proposed rule, USDA proposes using unemployment data from the Bureau of Labor Statistics (BLS) or a BLS-cooperating agency as the core standard to determine lack of sufficient jobs. However, that data source excludes key information, such as the number of unemployed persons who searched for work in the previous year but not in the past four weeks, and workers who are part-time for economic reasons. The exclusion of such information creates a risk of

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<sup>52</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. at 989.

<sup>53</sup> *Id.* at 990.



undercounting lack of sufficient jobs to the detriment of protected groups. For example, women are 38 percent more likely than men to work part-time for economic reasons.<sup>54</sup> Black and Latinx workers together represent 41 percent of all involuntary part-time workers.<sup>55</sup> Consequently, waivers should not be determined predominantly by the unemployment rate.

While USDA “find[s] that implementation of mitigation strategies and monitoring by the Civil Rights Division of FNS will lessen these impacts [to protected communities],”<sup>56</sup> it provides no explanation of what the mitigation strategies and monitoring would be. As a result, there is no opportunity for us to comment on whether the acknowledged disparate impact, which is likely to affect women and doubly affect women who identify with multiple protected categories, will in fact be mitigated. USDA’s cavalier attitude towards the hundreds of thousands of people who would lose critical food assistance under this proposed rule is irresponsible and appalling.

### **B. Restricting a State’s Waiver Authority and Use of Individual Exemptions Will Have a Disparate Impact on Women Facing Challenges in Receiving and Reporting Enough Hours Each Week**

Women with low incomes often face structural barriers to consistently working (and reporting) 20 hours of work per week.

Women are overrepresented in the low-wage workforce.<sup>57</sup>

- Compared to women’s representation in the overall workforce, women of virtually all races and ethnicities are overrepresented in low-wage jobs (typically paying less than \$11.50 per hour).<sup>58</sup>
- Of the nearly 22.6 million people working in low-wage jobs, two-thirds are women.<sup>59</sup>

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<sup>54</sup> U.S. DEP’T OF LABOR, BUREAU OF LABOR STATISTICS, LABOR FORCE CHARACTERISTICS BY RACE AND ETHNICITY, 2017 (Aug. 2018), <https://www.bls.gov/opub/reports/race-and-ethnicity/2017/home.htm>.

<sup>55</sup> LINCOLN QUILLIAN ET AL., META-ANALYSIS OF FIELD EXPERIMENTS SHOWS NO CHANGE IN RACIAL DISCRIMINATION IN HIRING OVER TIME, 114 PNAS 10870 (Oct. 2017), *available at* <https://doi.org/10.1073/pnas.1706255114>.

<sup>56</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. at 990.

<sup>57</sup> NAT’L WOMEN’S LAW CTR., INTERACTIVE MAP: WOMEN AND MEN IN THE LOW-WAGE WORKFORCE (July 20, 2018), <https://nwlc.org/resources/interactive-map-women-and-men-low-wage-workforce/>.

<sup>58</sup> Nat’l Women’s Law Ctr. calculations based on 2018 CURRENT POPULATION SURVEY, *supra* note 6.

<sup>59</sup> *Id.*

- White, non-Hispanic women are one-third of low-wage workers but only 29.7 percent of the overall workforce.<sup>60</sup>
- Latinx women are 16 percent of low-wage workers but only 7.4 percent of the overall workforce.<sup>61</sup>
- Black women are 12 percent of low-wage workers but only 6.5 percent are Black women.<sup>62</sup>

The low-wage workforce is plagued by unstable and unpredictable work schedules,<sup>63</sup> which can prevent women from working an average of 20 hours per week. Many low-wage jobs also only offer part-time work, despite many workers' need and desire for full-time hours.<sup>64</sup> A report from the Economic Policy Institute found that 6.1 million workers were involuntary part-time, meaning they wanted to work full-time but were only offered part-time hours.<sup>65</sup> According to the report, "involuntary part-time work is increasing almost five times faster than part-time work and about 18 times faster than all work."<sup>66</sup> And the combination of insufficient hours and variable schedules can impede women from working more than one job to make ends meet.<sup>67</sup>

In addition, many women, particularly those in low-wage jobs, face discrimination and harassment at work.<sup>68</sup> Between 2012 and 2016, 36 percent of women who filed sexual

<sup>60</sup> *Id.* In this comment, the "white, non-Hispanic" race category includes those who identified themselves as white, but not of Hispanic origin in the source material.

<sup>61</sup> *Id.* In this comment, the "Latinx" category includes people of any race who identified themselves to be of Hispanic, Latino, or Spanish origin.

<sup>62</sup> *Id.* In this comment, the "Black" race category includes those who identified themselves as Black or African American.

<sup>63</sup> See generally NAT'L WOMEN'S LAW CTR., COLLATERAL DAMAGE: SCHEDULING CHALLENGES FOR WORKERS IN LOW-WAGE JOBS AND THEIR CONSEQUENCES (Apr. 2017), available at <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2017/04/Collateral-Damage.pdf> (hereinafter "COLLATERAL DAMAGE").

<sup>64</sup> COLLATERAL DAMAGE, *supra* note 63, at 2.

<sup>65</sup> LONNIE GOLDEN, ECON. POL'Y INST., STILL FALLING SHORT ON HOURS AND PAY (Dec. 2016), <http://www.epi.org/publication/still-falling-short-on-hours-and-pay-part-time-work-becoming-new-normal/>.

<sup>66</sup> *Id.*

<sup>67</sup> COLLATERAL DAMAGE, *supra* note 63, at 1.

<sup>68</sup> See, e.g., REST. OPPORTUNITIES CTRS. UNITED & FORWARD TOGETHER, THE GLASS FLOOR: SEXUAL HARASSMENT IN THE RESTAURANT INDUSTRY 5 (2014), available at [http://rocunited.org/wp-content/uploads/2014/10/REPORT\\_The-Glass-Floor-Sexual-Harassment-in-the-Restaurant-Industry2.pdf](http://rocunited.org/wp-content/uploads/2014/10/REPORT_The-Glass-Floor-Sexual-Harassment-in-the-Restaurant-Industry2.pdf); HUMAN RIGHTS WATCH, CULTIVATING FEAR: THE VULNERABILITY OF IMMIGRANT FARMWORKERS IN THE US TO SEXUAL VIOLENCE AND SEXUAL HARASSMENT (May 2012), available at <https://www.hrw.org/report/2012/05/15/cultivating-fear/vulnerability-immigrant-farmworkers-us-sexual-violence-and-sexual> (documenting pervasive sexual harassment and violence among immigrant farmworker women); IRMA MORALES WAUGH, EXAMINING THE SEXUAL HARASSMENT EXPERIENCES OF MEXICAN IMMIGRANT FARMWORKING WOMEN, 16 VIOLENCE AGAINST WOMEN 237, 241 (Jan. 2010), available at <http://vaw.sagepub.com/content/16/3/237.abstract> (80% of female farmworkers in California's Central



harassment charges also alleged retaliation, such as lost hours or job loss.<sup>69</sup> Women with intersecting marginalized identities face even more discrimination that interferes with employment,<sup>70</sup> which can make meeting SNAP's 20-hour weekly reporting requirement even more challenging for them.

Moreover, the caregiving duties women disproportionately bear<sup>71</sup> make it harder for them to fulfill the SNAP time limit. Many low-wage jobs lack paid leave,<sup>72</sup> which presents another obstacle for women with caregiving responsibilities who do not satisfy the narrow caregiving exemption. According to the analysis of the work histories of people subject to the time limit, 11 percent of those who were in the labor force but not working reported caregiving as the reason.<sup>73</sup> Some of these SNAP recipients may be noncustodial parents who are subject to a SNAP time limit but can have significant caregiving responsibilities. One study of "childless" adults receiving food assistance in Franklin County (Columbus) Ohio found that nearly one-quarter were actually non-

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Valley reported experiencing some form of sexual harassment); UNITE HERE LOCAL 1, HANDS OFF, PANTS ON: SEXUAL HARASSMENT IN CHICAGO'S HOSPITALITY INDUSTRY (July 2016), *available at* <https://www.handsoffpantson.org/wp-content/uploads/HandsOffReportWeb.pdf> (58% of hotel workers and 77% of casino workers surveyed reported being sexually harassed by a guest); HART RES. ASSOC., KEY FINDINGS FROM A SURVEY OF WOMEN FAST FOOD WORKERS (Oct. 5, 2016), *available at* <http://hartresearch.com/wp-content/uploads/2016/10/Fast-Food-Worker-Survey-Memo-10-5-16.pdf> (nationwide survey of workers in the fast food industry found nearly 40% of the women reported experiencing unwanted sexual behaviors on the job, and 21% of those workers reported that they suffered negative workplaces consequences after raising the harassment with their employer).

<sup>69</sup> AMANDA ROSSIE, JASMINE TUCKER & KAYLA PATRICK, NAT'L WOMEN'S LAW CTR., OUT OF THE SHADOWS: AN ANALYSIS OF SEXUAL HARASSMENT CHARGES FILED BY WORKING WOMEN 8 (Aug. 2018), *available at* <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/08/SexualHarassmentReport.pdf>.

<sup>70</sup> See, e.g., U.S. EQUAL EMP'T OPPORTUNITY COMM'N, CHARGE STATISTICS (CHARGES FILED WITH EEOC) FY 1997 THROUGH FY 2017, <https://www.eeoc.gov/eeoc/statistics/enforcement/charges.cfm>; LOURDES ASHLEY HUNTER, ASHE MCGOVERN, & CARLA SUTHERLAND, EDS., INTERSECTING INJUSTICE: ADDRESSING LGBTQ POVERTY AND ECONOMIC JUSTICE FOR ALL: A NATIONAL CALL TO ACTION 30 (2018), *available at* [https://static1.squarespace.com/static/5a00c5f2a803bbe2eb0ff14e/t/5aca6f45758d46742a5b8f78/1523216213447/FINAL+PovertyReport\\_HighRes.pdf](https://static1.squarespace.com/static/5a00c5f2a803bbe2eb0ff14e/t/5aca6f45758d46742a5b8f78/1523216213447/FINAL+PovertyReport_HighRes.pdf).

<sup>71</sup> Women perform the majority of caregiving. See U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, AMERICAN TIME USE SURVEY, TABLE 1 TIME SPENT IN PRIMARY ACTIVITIES AND PERCENT OF THE CIVILIAN POPULATION ENGAGING IN EACH ACTIVITY, AVERAGES PER DAY BY SEX, 2017 ANNUAL AVERAGES (2018), *available at* <https://www.bls.gov/news.release/atus.t01.htm>.

<sup>72</sup> ANDREA JOHNSON ET AL., STEPPING UP: NEW POLICIES AND STRATEGIES SUPPORTING PARENTS IN LOW-WAGE JOBS AND THEIR CHILDREN 22 (Aug. 2018), *available at* [https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/08/v2\\_final\\_nwlc\\_SteppingUpKelloggReport.pdf](https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2018/08/v2_final_nwlc_SteppingUpKelloggReport.pdf).

<sup>73</sup> Ctr. for the Study of Social Pol'y calculations based on data in BAUER, *supra* note 40.



custodial parents—the vast majority of whom owed child support, and many of whom spent time with their children on a regular basis while the custodial parent worked.<sup>74</sup>

Furthermore, many women subject to SNAP's time limit who are unemployed for more than three months face significant obstacles to employment. In 2018, more than one in five unemployed women (21 percent) experienced unemployment that lasted six months or more, and women age 45 to 54 face longer periods of unemployment.<sup>75</sup> Some of these women will have substantial stabilization needs, such as safe housing, addiction services, or support to leave an abusive relationship. As people surmount those barriers, access to a need as basic as food is paramount. Other women will need job training: the Government Accountability Office found that SNAP participants subject to the time limit are more likely than other SNAP participants to lack basic job skills like reading, writing, and basic math.<sup>76</sup>

The Center urges the USDA to withdraw this proposed rule because of the threat to SNAP benefits for underemployed and unemployed women, and this threat is even greater for women who identify with other marginalized communities.

### **1. The proposed rule will likely have a disparate impact on women of color**

Racial discrimination remains prevalent in the labor market.<sup>77</sup> In a 2004 study, researchers randomly assigned names and quality to resumes and sent them to over 1,300 employment advertisements. Their results revealed significant differences in the number of callbacks each resume received based on whether the name sounded white (non-Hispanic) or Black.<sup>78</sup>

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<sup>74</sup> OHIO ASS'N OF FOOD BANKS, FRANKLIN COUNTY WORK EXPERIENCE PROGRAM: COMPREHENSIVE REPORT: ABLE-BODIED ADULTS WITHOUT DEPENDENTS (2015), *available at* [http://admin.ohiofoodbanks.org/uploads/news/ABAWD\\_Report\\_2014-2015-v3.pdf](http://admin.ohiofoodbanks.org/uploads/news/ABAWD_Report_2014-2015-v3.pdf).

<sup>75</sup> Nat'l Women's Law Ctr. calculations based on U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE 31: UNEMPLOYED PERSONS BY AGE, SEX, RACE, HISPANIC OR LATINO ETHNICITY, MARITAL STATUS, AND DURATION OF UNEMPLOYMENT, *available at* <https://www.bls.gov/cps/cpsaat31.htm> (lasted visited Feb. 15, 2019).

<sup>76</sup> U.S. GOV'T. ACCT. OFF., FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM: BETTER DATA NEEDED TO UNDERSTAND WHO IS SERVED AND WHAT THE PROGRAM ACHIEVES (Mar. 2003), *available at* <https://www.gao.gov/assets/240/237571.pdf> (hereinafter "FOOD STAMP E&T PROGRAM: BETTER DATA NEEDED").

<sup>77</sup> ROBERT MANDUCA, INCOME INEQUALITY AND THE PERSISTENCE OF RACIAL ECONOMIC DISPARITIES, 5 SOCIOLOGICAL SCI. 182 (2018), *available at* [https://www.sociologicalscience.com/download/vol-5/march/SocSci\\_v5\\_182to205.pdf](https://www.sociologicalscience.com/download/vol-5/march/SocSci_v5_182to205.pdf).

<sup>78</sup> MARIANNE BERTRAND & SENDHIL MULLAINATHAN, ARE EMILY AND GREG MORE EMPLOYABLE THAN LAKISHA AND JAMAL? A FIELD EXPERIMENT ON LABOR MARKET DISCRIMINATION, 94 AM. ECON. REVIEW 991–1013 (2004).



More recent research indicates that this bias persists. A study from 2013 submitted fake resumes of nonexistent recent college graduates through online job applications for positions based in Atlanta, Baltimore, Portland, Oregon, Los Angeles, Boston, and Minneapolis. Black people were 16 percent less likely to get called in for an interview.<sup>79</sup> Similarly, a 2017 meta-analysis of field experiments on employment discrimination since 1989 found that white, non-Hispanic individuals applying for jobs receive on average 36 percent more callbacks than Black people and 24 percent more callbacks than Latinx people.<sup>80</sup>

In addition, the average 20 hours per week requirement does not align with the work experiences for many women of color (and other workers). Workers of color are more likely to be involuntary part-time: Black and Latinx workers together represent 41 percent of all involuntary part-time workers.<sup>81</sup>

This pattern of racial discrimination, combined with systemic discrimination based on sex, helps explain why the February 2019 national unemployment rate for Black women (5.3%) is almost twice the unemployment rate for white, non-Hispanic men (3.0%).<sup>82</sup> Latinx women also face a higher unemployment rate (4.0%)<sup>83</sup> than white, non-Hispanic men.

Also, the length of the three-month time limit is in many cases ill-matched to actual experiences of unemployment by women of color. In February 2019, 270,000 Black women, 72,000 Asian women, and 207,000 Latinx women were unemployed for 15 weeks or longer.<sup>84</sup> The average durations of unemployment for unemployed Black

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<sup>79</sup> BRETT ARENDS, IN HIRING, RACIAL BIAS IS STILL A PROBLEM. BUT NOT ALWAYS FOR REASONS YOU THINK, *FORTUNE* (Nov. 2014), <http://fortune.com/2014/11/04/hiring-racial-bias/>.

<sup>80</sup> LINCOLN QUILLIAN ET AL., META-ANALYSIS OF FIELD EXPERIMENTS SHOWS NO CHANGE IN RACIAL DISCRIMINATION IN HIRING OVER TIME, 114 *PNAS* 10870 (2017), available at <https://doi.org/10.1073/pnas.1706255114>.

<sup>81</sup> *Id.*

<sup>82</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE A-2 EMPLOYMENT STATUS OF THE CIVILIAN POPULATION BY RACE, SEX, AND AGE, <https://www.bls.gov/news.release/empsit.t02.htm> (last modified Mar. 8, 2019).

<sup>83</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE A-3 EMPLOYMENT STATUS OF THE HISPANIC OR LATINO POPULATION BY SEX AND AGE, <https://www.bls.gov/news.release/empsit.t03.htm> (last modified Mar. 8, 2019).

<sup>84</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE A-36 UNEMPLOYED PERSONS BY AGE, SEX, RACE, HISPANIC OR LATINO ETHNICITY, MARITAL STATUS, AND DURATION OF UNEMPLOYMENT, <https://www.bls.gov/web/empsit/cpseea36.htm> (last modified Mar. 8, 2019). In addition, 625,000 white women were unemployed for 15 weeks or longer. *Id.*





women (28 weeks), Asian women (24 weeks), and Latinx women (16 weeks) are each longer than three months.<sup>85</sup>

Furthermore, many neighborhoods with large populations of people of color have experienced particularly pronounced declines in job proximity in recent years. Proximity to jobs can affect the employment outcomes of residents, and studies show that people who live closer to jobs are more likely to work.<sup>86</sup> They also face shorter job searches and spells of joblessness.<sup>87</sup> As residents from households with low-incomes and communities of color shifted toward suburbs in the 2000s, their proximity to jobs decreased. Between 2000 and 2012, the number of jobs near the typical Latinx and Black resident in major metropolitan areas declined much more steeply than for white, non-Hispanic residents.<sup>88</sup>

False race- and gender-based narratives have long surrounded people experiencing poverty and have been used to demonize and shame women of color receiving public benefits – including SNAP.<sup>89</sup> For example, the trope of an “able-bodied” mother of color raising children on her own collecting public benefits, willfully refusing to work, and living a “lavish lifestyle” has often been invoked as a racist dogwhistle in proposals to slash funding and eligibility for programs that help low-income people meet their basic needs.<sup>90</sup>

In addition, while not all immigrant families are eligible for SNAP, certain legal immigrants may be eligible if they fulfill the other requirements.<sup>91</sup> The Trump

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<sup>85</sup> *Id.* Unemployed white women also have an average duration of unemployment that is longer than three months (20 weeks). *Id.*

<sup>86</sup> SCOTT W. ALLARD & SHELDON DANZIGER, PROXIMITY AND OPPORTUNITY: HOW RESIDENCE AND RACE AFFECT THE EMPLOYMENT OF WELFARE RECIPIENTS (Sept. 2001), *available at* <http://fordschool.umich.edu/research/poverty/pdf/ProximityandOpportunity.pdf>.

<sup>87</sup> ELIZABETH KNEEBONE AND NATALIE HOLMES, BROOKINGS INST., THE GROWING DISTANCE BETWEEN PEOPLE AND JOBS IN METROPOLITAN AMERICA (Mar. 2015), <https://www.brookings.edu/research/the-growing-distance-between-people-and-jobs-in-metropolitan-america/>.

<sup>88</sup> *Id.*

<sup>89</sup> JOSH LEVIN, THE WELFARE QUEEN, SLATE (Dec. 2013), [http://www.slate.com/articles/news\\_and\\_politics/history/2013/12/linda\\_taylor\\_welfare\\_queen\\_ronald\\_reagan\\_made\\_her\\_a\\_notorious\\_american\\_villain.html](http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html).

<sup>90</sup> JANEL GEORGE, NAT'L WOMEN'S LAW CTR., THE REAL HARM OF FALSE MEDICAID STEREOTYPES (July 14, 2017), <https://nwlc.org/blog/the-real-harm-of-false-medicaid-stereotypes/>; JANEL GEORGE, NAT'L WOMEN'S LAW CTR., KENTUCKY'S GREEN LIGHT FOR MEDICAID WORK REQUIREMENTS THREATENS VITAL COVERAGE FOR WOMEN AND FAMILIES (Jan. 12, 2018), <https://nwlc.org/blog/kentuckys-green-light-for-medicaid-work-requirements-threatens-vital-coverage-for-women-and-families/>; ROONEY & HASSMER, *supra* note 38.

<sup>91</sup> For example, many legal immigrants may be eligible for SNAP after they are in the country for five years, if they meet the other requirements. U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERVS., SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: GUIDANCE ON NON-CITIZEN ELIGIBILITY (June 2011), *available at* [https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen\\_Guidance\\_063011.pdf](https://fns-prod.azureedge.net/sites/default/files/snap/Non-Citizen_Guidance_063011.pdf).



Administration's relentless anti-immigrant rhetoric and policies have already contributed to declining participation rates for immigrant households legally eligible for SNAP benefits in 2018.<sup>92</sup> In addition, immigrants are often unaware of SNAP or are confused about their eligibility for benefits.<sup>93</sup> This proposal will only exacerbate current disparities in immigrants' access to SNAP.<sup>94</sup>

For all these reasons, the Center urges the USDA to reject these racial stereotypes and withdraw this proposed rule that will have a disparate impact on the many low-income women of color who face significant barriers to working 20 hours per week.

## **2. The proposed rule will likely have a disparate impact on LGBTQ people**

Employment discrimination is a significant factor contributing to LGBTQ poverty and unemployment rates. Over half of the US population lives in a state without comprehensive nondiscrimination laws prohibiting employment discrimination based on sexual orientation and gender identity.<sup>95</sup>

LGBTQ women face pervasive discrimination in hiring,<sup>96</sup> which can be a barrier to finding a job. For example, a 2014 study found that employers were 30 percent less likely to offer an interview to an LGBTQ female applicant than a non-LGBTQ female

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<sup>92</sup> ALLISON BOVELL-AMMON, AM. PUB. HEALTH ASS'N, TRENDS IN FOOD INSECURITY AND SNAP PARTICIPATION AMONG IMMIGRANT FAMILIES OF U.S. BORN YOUNG CHILDREN, CHILDREN'S HEALTHWATCH (Nov. 2018), <http://childrenshealthwatch.org/study-following-10-year-gains-snap-participation-among-immigrant-families-dropped-in-2018/>; HELENA BOTTEMILLER EVICH, "IMMIGRANT FAMILIES APPEAR TO BE DROPPING OUT OF FOOD STAMPS," POLITICO, November 2018, <https://www.politico.com/story/2018/11/14/immigrant-families-dropping-out-food-stamps-966256>. Recent data shows that after a decade of steady increases, and with no legal reason for that not to continue, there has been a 10 percent drop in enrollment nationwide among immigrant families eligible for SNAP. AM. PUB. HEALTH ASS'N, STUDY: FOLLOWING 10-YEAR GAINS, SNAP PARTICIPATION AMONG IMMIGRANT FAMILIES DROPPED IN 2018 (Nov. 12 2018), <https://www.apha.org/news-and-media/news-releases/apha-news-releases/2018/annual-meeting-snap-participation>.

<sup>93</sup> SUSAN BARTLETT ET AL., ABT ASSOCS. INC., FOOD STAMP ACCESS STUDY: FINAL REPORT (Nov. 2004), <https://naldc.nal.usda.gov/download/45671/PDF>. For example, many immigrants in mixed-status families are not aware that some of their family members are eligible for SNAP, and immigrants face complicated administrative burdens due to caseworkers' lack of familiarity with foreign identity documents. KRISTA M. PERREIRA ET AL., U.S. DEP'T OF HEALTH & HUMAN SERVS., BARRIERS TO IMMIGRANTS' ACCESS TO HEALTH AND HUMAN SERVICES PROGRAMS (May 2012), <https://aspe.hhs.gov/system/files/pdf/76471/rb.pdf>.

<sup>94</sup> ROBERT CROSNOW ET AL., U.S. DEP'T OF HEALTH & HUMAN SERVS., PROMISING PRACTICES FOR INCREASING IMMIGRANTS' ACCESS TO HEALTH AND HUMAN SERVICES (May 2012), <https://aspe.hhs.gov/system/files/pdf/76466/rb.pdf>.

<sup>95</sup> MOVEMENT ADVANCEMENT PROJECT, EQUALITY MAPS: STATE NON-DISCRIMINATION LAWS, [http://www.lgbtmap.org/equality-maps/non\\_discrimination\\_laws](http://www.lgbtmap.org/equality-maps/non_discrimination_laws) (last modified March 29, 2018).

<sup>96</sup> ROONEY & HASSMER, *supra* note 38.



applicant.<sup>97</sup> And 15 percent of respondents to the national 2015 U.S. Transgender Survey reported being unemployed, a rate of unemployment three times higher than the unemployment rate for the total U.S. population at the time.<sup>98</sup>

Many LGBTQ people who do get hired face discrimination at work, including being fired just for being who they are.<sup>99</sup> Nearly one in five transgender women report having lost a job due to their gender identity or expression at some point, according to the national 2015 U.S. Transgender Survey.<sup>100</sup> In addition, LGBTQ women who are also members of other marginalized communities, such as people of color and people with disabilities, may experience discrimination based on their multiple identities.<sup>101</sup>

While there are limited data on LGBTQ women's wages, given employment barriers they experience, many LGBTQ women are likely working in low-wage jobs<sup>102</sup> with unstable schedules. In addition, transgender people in particular have low household incomes: 47 percent of transgender respondents to the 2015 U.S. Transgender Survey reported making under \$25,000 a year, compared to 39 percent in the overall U.S. adult population.<sup>103</sup> Furthermore, 15 percent of transgender respondents to the 2015 U.S. Transgender Survey reported working part-time.<sup>104</sup>

As discussed previously, caregiving also presents a barrier to meeting the SNAP time limit. Twenty-one percent of bi+ women, 14% of transgender respondents to the 2015 U.S. Transgender Survey, and six percent of lesbians are caregivers for minor children.<sup>105</sup> Ten percent of bi+ women and lesbians are caregivers for an adult family member or friend.<sup>106</sup> Many of these LGBTQ women, especially noncustodial parents and those caring for a chosen family member living outside of their household, may fall outside of the narrow caregiving exemption and struggle to meet the SNAP time limit.

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<sup>97</sup> EMMA MISHEL, DISCRIMINATION AGAINST QUEER WOMEN IN THE U.S. WORKFORCE : A RÉSUMÉ AUDIT STUDY, SOCIUS, 2016, at 1, 11, *available at* <http://journals.sagepub.com/doi/pdf/10.1177/2378023115621316>.

<sup>98</sup> S.E. JAMES ET AL., NAT'L CTR. FOR TRANSGENDER EQUALITY, THE REPORT OF THE 2015 U.S. TRANSGENDER SURVEY 5, (Dec. 2016), *available at* <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>.

<sup>99</sup> ROONEY & HASSMER, *supra* note 38.

<sup>100</sup> JAMES ET AL., *supra* note 98, at 150.

<sup>101</sup> ROONEY & HASSMER, *supra* note 38. For example, in the 2015 U.S. Transgender Survey, the unemployment rate was 20 percent for transgender people of color and 24 percent for respondents with disabilities. JAMES ET AL., *supra* note 98, at 6.

<sup>102</sup> ROONEY & HASSMER, *supra* note 38.

<sup>103</sup> *Id.*

<sup>104</sup> JAMES ET AL., *supra* note 98, at 56.

<sup>105</sup> ROONEY & HASSMER, *supra* note 38.

<sup>106</sup> SHABAB AHMED MIRZA, CTR. FOR AM. PROGRESS, DISAGGREGATING THE DATA FOR BISEXUAL PEOPLE 2 (Sept. 2018), *available at* <https://cdn.americanprogress.org/content/uploads/2018/09/21133117/BiCommunityStats-factsheet1.pdf>.



Because LGBTQ women receive SNAP benefits at higher rates and face multiple barriers to getting 20 hours of work each week, this proposed rule will likely have a disparate impact on LGBTQ women and lead to greater rates of poverty and food insecurity. Consequently, the Center urges the USDA to withdraw this proposed rule.

### **3. The proposed rule will likely have a disparate impact on people with disabilities**

SNAP's time limits are supposedly limited to non-disabled individuals because of existing exemptions for people who receive governmental or private benefits based on a disability or are able to document that they are "physically or mentally unfit for employment."<sup>107</sup> However, many individuals with a disability do not receive exemptions, at least in part because of states' failure to properly apply the existing exemptions for people with disabilities.

In a Franklin County, Ohio report, approximately one-third of individuals characterized as "able-bodied" and subject to the time limit reported having a "physical or mental limitation."<sup>108</sup> Of those, 25 percent indicated that the condition limited their daily activities,<sup>109</sup> while many have not received a formal diagnosis. When Georgia reinstated the SNAP time limits in 2016, 62 percent of nearly 12,000 individuals subjected to the requirement lost benefits after only three months.<sup>110</sup> State officials acknowledged that hundreds of enrollees who should have been exempt due to their disability had been wrongly classified.<sup>111</sup>

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<sup>107</sup> 7 C.F.R. § 273.24(c)(2). For the purpose of these time limits and work requirements, SNAP provides exemptions for people in several categories, including people who are "(2) Determined by the State agency to be medically certified as physically or mentally unfit for employment. An individual is medically certified as physically or mentally unfit for employment if he or she: (i) Is receiving temporary or permanent disability benefits issued by governmental or private sources; (ii) Is obviously mentally or physically unfit for employment as determined by the State agency; or (iii) If the unfitness is not obvious, provides a statement from a physician, physician's assistant, nurse, nurse practitioner, designated representative of the physician's office, a licensed or certified psychologist, a social worker, or any other medical personnel the State agency determines appropriate, that he or she is physically or mentally unfit for employment."

<sup>108</sup> STEVEN CARLSON, DOROTHY ROSENBAUM & BRYNNE KEITH-JENNINGS, CTR. ON BUDGET & POL'Y PRIORITIES, WHO ARE THE LOW-INCOME CHILDLESS ADULTS FACING THE LOSS OF SNAP IN 2016? (Feb. 8, 2016), <https://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>.

<sup>109</sup> *Id.* at 6.

<sup>110</sup> CORRECTION: BENEFITS DROPPED STORY, U.S. NEWS & WORLD REPORT (May 26, 2017), <https://www.usnews.com/news/best-states/georgia/articles/2017-05-25/work-requirements-drop-thousands-in-georgia-from-food-stamps>.

<sup>111</sup> *Id.*



Moreover, evidence from other anti-poverty programs with time limits and work requirements shows people with disabilities and chronic conditions are more likely than others to lose benefits due to sanctions for noncompliance, despite exemption processes.<sup>112</sup> Numerous studies of state Temporary Assistance for Needy Families (TANF) programs, for example, have documented this problem.<sup>113</sup>

This proposed SNAP rule does not mandate that states help people prove they are exempt, even if they have difficulty obtaining the necessary records or verification from a doctor. This, along with the historical exemption process problems across programs, means that it is likely that many women with disabilities could lose their SNAP benefits under this proposed rule.

In addition, people with disabilities generally want to work but may need additional supports and services to obtain and keep jobs, in addition to facing discrimination and misconceptions about their ability to work. Frequently, these supports and services are difficult to access.<sup>114</sup> All of these factors contribute to the national unemployment rate

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<sup>112</sup> See, e.g., ANDREW J. CHERLIN ET AL., OPERATING WITHIN THE RULES: WELFARE RECIPIENTS' EXPERIENCES WITH SANCTIONS AND CASE CLOSINGS, 76 SOC. SERV. REV. 387, 398 (2002) (finding that individuals in "poor" or "fair" health were more likely to lose TANF benefits than those in "good," "very good," or "excellent health"); VICKI LENS, WELFARE AND WORK SANCTIONS: EXAMINING DISCRETION ON THE FRONT LINES, 82 SOC. SERV. REV. 199 (2008).

<sup>113</sup> See, e.g., YEHESEKEL HASENFELD ET AL., U. PA. SCHOOL OF SOCIAL POL'Y & PRACTICE, THE LOGIC OF SANCTIONING WELFARE RECIPIENTS: AN EMPIRICAL ASSESSMENT (June 2004), [http://repository.upenn.edu/cgi/viewcontent.cgi?article=1028&context=spp\\_papers](http://repository.upenn.edu/cgi/viewcontent.cgi?article=1028&context=spp_papers); MARYBETH MUSUMECI & JULIA ZUR, KAISER FAMILY FOUND., MEDICAID ENROLLEES AND WORK REQUIREMENTS: LESSONS FROM THE TANF EXPERIENCE (Aug. 18, 2017), <https://www.kff.org/medicaid/issue-brief/medicaid-enrollees-and-work-requirements-lessons-from-the-tanf-experience/>; MATHEMATICA POL'Y RES., ASSISTING TANF RECIPIENTS LIVING WITH DISABILITIES TO OBTAIN AND MAINTAIN EMPLOYMENT: CONDUCTING IN-DEPTH ASSESSMENTS (2008) [https://www.acf.hhs.gov/sites/default/files/opre/conducting\\_in\\_depth.pdf](https://www.acf.hhs.gov/sites/default/files/opre/conducting_in_depth.pdf); PAMELA LOPREST, URBAN INST., DISCONNECTED WELFARE LEAVERS FACE SERIOUS RISKS (2002), <http://www.urban.org/sites/default/files/publication/59036/310839-Disconnected-Welfare-Leavers-Face-Serious-Risks.PDF>; DENISE F. POLIT ET AL., MANPOWER DEMONSTRATION RES. CORP., THE HEALTH OF POOR URBAN WOMEN: FINDINGS FROM THE PROJECT ON DEVOLUTION AND URBAN CHANGE, iii (2001), <https://www.mdrc.org/publication/health-poor-urban-women/file-full>.

<sup>114</sup> See, e.g., U.S. DEP'T OF HEALTH & HUMAN SERVS., CTRS. FOR DISEASE CONTROL & PREVENTION, COMMON BARRIERS TO PARTICIPATION EXPERIENCED BY PEOPLE WITH DISABILITIES, <https://www.cdc.gov/ncbddd/disabilityandhealth/disability-barriers.html> (last reviewed Aug. 9, 2018); U.S. DEP'T OF HEALTH & HUMAN SERVS., CTRS. FOR DISEASE CONTROL & PREVENTION, DISABILITY AND ACCESS TO HEALTH CARE, <https://www.cdc.gov/features/disabilities-health-care-access/index.html> (last reviewed Aug. 27, 2018); U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIV., CITIES AND COUNTIES: FIRST STEPS TOWARD SOLVING COMMON ADA PROBLEMS, <https://www.ada.gov/civiccommonprobs.htm>.



for disabled women (8.7%) being more than twice the unemployment rate for non-disabled men (4.2%).<sup>115</sup>

As a result of states' failure to properly apply the time limit exemption for people who are "physically or mentally unfit for employment" and limiting states' flexibilities while there is pervasive employment discrimination based on disability, the proposed rule would expose even more disabled people to the arbitrary food cutoff policy. Consequently, the Center urges the USDA to withdraw this proposed rule.

#### **4. The proposed rule will likely have a disparate impact on survivors of domestic violence or sexual assault**

While domestic violence and sexual assault occur across the socio-economic spectrum, there are unique challenges and barriers for survivors at the intersection of gender-based violence and economic hardship.

Women living in poverty experience domestic violence at twice the rate of those who do not.<sup>116</sup> In order to exercise control over their partners, abusers often actively prevent their partner from attaining economic independence by sabotaging their partner's economic stability. For example, abusers may interfere with survivors' access to financial resources, education, employment, child care, or health care; engage in reproductive coercion; ruin the survivor's credit; leave the survivor with tax debt; and more.<sup>117</sup>

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<sup>115</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE A-6 EMPLOYMENT STATUS OF THE CIVILIAN POPULATION BY SEX, AGE, AND DISABILITY STATUS, NOT SEASONALLY ADJUSTED, *available at* <https://www.bls.gov/news.release/empsit.t06.htm> (last modified Mar. 8, 2019).

<sup>116</sup> See, e.g., ELEANOR LYON, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, WELFARE, POVERTY AND ABUSED WOMEN: NEW RESEARCH AND ITS IMPLICATIONS (Oct. 2000), *available at* [https://vawnet.org/sites/default/files/materials/files/2016-09/BCS10\\_POV.pdf](https://vawnet.org/sites/default/files/materials/files/2016-09/BCS10_POV.pdf); MARY KAY, INC., 2012 MARY KAY TRUTH ABOUT ABUSE SURVEY REPORT (2012), *available at* [http://content2.marykayintouch.com/public/PWS\\_US/PDFs/company/2012Survey.pdf](http://content2.marykayintouch.com/public/PWS_US/PDFs/company/2012Survey.pdf); ELEANOR LYON, SHANNON LANE & ANNE MENARD, MEETING SURVIVORS' NEEDS: A MULTISTATE STUDY OF DOMESTIC VIOLENCE SHELTER EXPERIENCES (Oct. 2008), *available at* [http://www.vawnet.org/Assoc\\_Files\\_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf](http://www.vawnet.org/Assoc_Files_VAWnet/MeetingSurvivorsNeeds-FullReport.pdf); ELEANOR LYON, JILL BRADSHAW & ANNE MENARD, MEETING SURVIVORS' NEEDS THROUGH NON-RESIDENTIAL DOMESTIC VIOLENCE SERVICES & SUPPORTS: RESULTS OF A MULTI-STATE STUDY (Nov. 2011), *available at* <https://vawnet.org/sites/default/files/materials/files/2016-07/DVServicesStudy-FINALReport2011.pdf>; RACHEL KIMERLING ET AL., UNEMPLOYMENT AMONG WOMEN: EXAMINING THE RELATIONSHIP OF PHYSICAL AND PSYCHOLOGICAL INTIMATE PARTNER VIOLENCE AND POSTTRAUMATIC STRESS DISORDER, 24 J. INTERPERSONAL VIOLENCE 450 (2009).

<sup>117</sup> See, e.g., JUDY POSTMUS ET AL., UNDERSTANDING ECONOMIC ABUSE IN THE LIVES OF SURVIVORS, 27 J. INTERPERSONAL VIOLENCE 411 (2011), *available at* <https://journals.sagepub.com/doi/abs/10.1177/0886260511421669>; ADRIENNE ADAMS ET AL., DEVELOPMENT OF THE SCALE OF ECONOMIC ABUSE, 13 VIOLENCE AGAINST WOMEN 563-588 (2008), *available at*

Abuse can also result in survivors falling into poverty; violence often undermines survivors' ability to work, have a place to live, and do what is necessary to pursue a more stable life for themselves and their children.<sup>118</sup> Ending an abusive relationship, moreover, may mean losing not only access to a partner's income, but also housing, health care, or child care. Furthermore, survivors in marginalized and underserved communities (such as people of color, LGBTQ people, immigrants, and people with disabilities) often face intersecting forms of discrimination that exacerbate their likelihood of facing economic instability.

Accessing public benefits that help meet basic needs, including SNAP, is therefore imperative for women's safety.<sup>119</sup> Survivors' access to SNAP is fundamental to determining whether they can leave an abusive relationship<sup>120</sup> and is critical to helping them establish a safer and more stable life. In a 2017 survey of service providers working with survivors, over 88 percent of respondents said that SNAP is a very critical resource for most domestic violence and sexual assault survivors.<sup>121</sup> One advocate reported:

SNAP is a life-line for domestic violence [survivors]. Most DV clients I have worked with leave only with the clothes on their backs or whatever they can carry, [and] SNAP provides one of life's necessities [without which they would] return to a very bad situation. It is an essential program that [survivors] could not do without.<sup>122</sup>

The existing SNAP time limit completely disregards the very complex reality faced by survivors of sexual assault and domestic violence who desperately need public assistance programs to find physical safety and economic security during or after the abuse. The time limit's unfeasible and rigid work and training requirements is one of several barriers individuals working with survivors have identified that keep domestic

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at <https://vaw.msu.edu/wp-content/uploads/2013/10/Scale-of-Economic-Abuse.pdf>; INST. FOR WOMEN'S POL'Y RES., THE ECONOMIC COST OF INTIMATE PARTNER VIOLENCE, SEXUAL ASSAULT, AND STALKING (Aug. 2017), available at <https://iwpr.org/wp-content/uploads/2017/08/B367-Economic-Impacts-of-IPV-08.14.17.pdf>.

<sup>118</sup> See, e.g., INST. FOR WOMEN'S POL'Y RES., *supra* note 117.

<sup>119</sup> See, e.g., ELEANOR LYON, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, WELFARE, POVERTY AND ABUSED WOMEN: NEW RESEARCH AND ITS IMPLICATIONS (2002), <https://vawnet.org/material/welfare-poverty-and-abused-women-new-research-and-its-implications>.

<sup>120</sup> LYON, LANE & MENARD, *supra* note 116; LYON, BRADSHAW & MENARD, *supra* note 116; KIMERLING ET AL., *supra* note 116.

<sup>121</sup> SHAINA GOODMAN, NAT'L RES. CTR. ON DOMESTIC VIOLENCE, THE DIFFERENCE BETWEEN SURVIVING AND NOT SURVIVING: PUBLIC BENEFITS PROGRAMS AND DOMESTIC AND SEXUAL VIOLENCE VICTIMS' ECONOMIC SECURITY 3 (Jan. 2018), [https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018\\_0.pdf](https://vawnet.org/sites/default/files/assets/files/2018-10/NRCDV-TheDifferenceBetweenSurvivingandNotSurviving-UpdatedOct2018_0.pdf).

<sup>122</sup> *Id.* at 22.

violence and sexual assault survivors from safely accessing SNAP benefits, or that serve as reasons why survivors may lose benefits or not get the full range of services SNAP provides.<sup>123</sup> Only 58 percent of individuals working with survivors reported that domestic violence survivors had access to SNAP when they needed it, and 44 percent of those working with sexual assault survivors reported that these survivors had access.<sup>124</sup> One advocate reported that “making it difficult to obtain benefits makes the decision to give up and go back to an abuser an easier choice.”<sup>125</sup> By subjecting more people to the time limit, this proposed rule will exacerbate the harm for survivors struggling to make ends meet and access quality jobs.

Domestic violence survivors face particular challenges obtaining and maintaining employment, including ongoing abuse or harassment by their abuser, ruined credit scores and rental histories, needing to take time off work to attend court hearings, and otherwise recovering from the short- and long-term impacts of the violence.<sup>126</sup> For survivors in the low-wage workforce, the combination of insufficient hours, variable schedules, trauma and ongoing disruptions from an abusive partner can impede survivors from working more than one job to make ends meet.<sup>127</sup> In addition, nearly 40 percent of survivors of domestic violence reported that they had experienced, at some point in their life, sexual harassment or violence at work from a co-worker, manager, owner, or supervisor.<sup>128</sup> Furthermore, 39 percent of advocates reported in one survey that the referrals to job/employment services do not work well for survivors, which provides a significant barrier to accessing additional employment opportunities.<sup>129</sup>

All these factors can make it difficult for low-income survivors to satisfy SNAP’s 20-hour per week reporting requirement. Even survivors who are able to secure enough hours to meet the time limit reporting requirement are still at risk of losing benefits if they are unable to meet the existing administrative requirements to document their hours of work.<sup>130</sup> Reducing states’ flexibilities with regard to the time limit work reporting

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<sup>123</sup> *Id.* at 24.

<sup>124</sup> *Id.* at 21.

<sup>125</sup> *Id.* at 2.

<sup>126</sup> INST. FOR WOMEN’S POL’Y RES., *supra* note 117; KALI GRANT ET AL., GEO. CTR. ON POVERTY AND INEQUALITY, UNWORKABLE & UNWISE: CONDITIONING ACCESS TO PROGRAMS THAT ENSURE A BASIC FOUNDATION FOR FAMILIES ON WORK REQUIREMENTS 57 (Feb. 1, 2019), *available at* <http://www.georgetownpoverty.org/wp-content/uploads/2019/02/Unworkable-Unwise-GCPI-ESOI.pdf>.

<sup>127</sup> COLLATERAL DAMAGE, *supra* note 63, at 1.

<sup>128</sup> INST. FOR WOMEN’S POL’Y RES., *supra* note 117. While workplace harassment can negatively impact the health and economic well-being of anyone being harassed, the impact is compounded for survivors of domestic and sexual violence, resulting in anxiety, depression, lack of concentration, lack of job advancement, late arrivals, missed work and negative effects in their personal relationships. *Id.*

<sup>129</sup> GOODMAN, *supra* note 121, at 23.

<sup>130</sup> See ROBIN FUDOWITZ, MARYBETH MUSUMECI & CORNELIA HALL, KAISER FAMILY FOUND., YEAR END REVIEW: DECEMBER STATE DATA FOR MEDICAID WORK REQUIREMENTS IN ARKANSAS (Jan. 17, 2019),





requirements and individual exemptions threatens SNAP access for survivors; consequently, the proposed rule would put the safety of survivors of domestic violence or sexual assault at risk despite their willingness to work. The ability to feed themselves and/or their family or face continued abuse and trauma to access nutrition is a choice that no survivor should ever have to make. Consequently, the Center urges the USDA to withdraw this proposed rule.

## 5. The proposed rule will likely have a disparate impact on people with criminal records

More than 100 million people have criminal records,<sup>131</sup> and Black women are twice as likely as white, non-Hispanic women to be imprisoned.<sup>132</sup> Research suggests that SNAP recipients subject to the time limit may be more likely to have a history of criminal justice involvement. For example, an analysis of people subject to the time limit in Franklin County (Columbus), Ohio found that over 35 percent had a felony conviction and close to 13 percent were currently on probation or parole.<sup>133</sup>

People with criminal records face systemic employment discrimination.<sup>134</sup> Research shows that roughly half of people formerly incarcerated are still unemployed one year after release.<sup>135</sup> During the time spent in prison, many lose work skills and are given

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<https://www.kff.org/medicaid/issue-brief/state-data-for-medicaid-work-requirements-in-arkansas/> (noting that nearly all of the Arkansas Medicaid enrollees not exempt from the reporting requirement did not report any work activities, which could result from difficulty accessing the online reporting portal); GOODMAN, *supra* note 121, at 24 (detailing that reporting requirements are a barrier to victims).

<sup>131</sup> BECKI R. GOGGINS & DENNIS A. DEBACCO, NAT'L CONSORTIUM FOR JUSTICE INFO. & STATISTICS, SURVEY OF STATE CRIMINAL HISTORY INFORMATION SYSTEMS, 2016: A CRIMINAL JUSTICE INFORMATION POLICY REPORT, TABLE 2: NUMBER OF SUBJECTS (INDIVIDUAL OFFENDERS) IN STATE CRIMINAL HISTORY FILE, 2012, 2014, AND 2016 (Feb. 2018), *available at* <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.

<sup>132</sup> NAT'L CONF. OF STATE LEGISLATURES, BARRIERS TO WORK: PEOPLE WITH CRIMINAL RECORDS (July 17, 2018), <http://www.ncsl.org/research/labor-and-employment/barriers-to-work-individuals-with-criminal-records.aspx#>.

<sup>133</sup> OHIO ASS'N OF FOOD BANKS, *supra* note 75.

<sup>134</sup> GRANT ET AL., *supra* note 126, at 25-26, 56. A study of Ohio SNAP recipients subject to the time limit found that more than one-third had felony convictions and experienced challenges securing employment to meet the time limit requirement. *Id.* at 56.

<sup>135</sup> ADAM LOONEY & NICHOLAS TURNER, THE BROOKINGS INST., WORK AND OPPORTUNITY BEFORE AND AFTER INCARCERATION (Mar. 2018), <https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/>; VALERIE WILSON & JANELLE JONES, ECON. POL'Y INST., WORKING HARDER OR FINDING IT HARDER TO WORK: DEMOGRAPHIC TRENDS IN ANNUAL WORK HOURS SHOW AN INCREASINGLY FRACTURED WORKFORCE (Feb. 22, 2018), <https://www.epi.org/publication/trends-in-work-hours-and-labor-market-disconnection/>; JOAN PETERSILIA, WHEN PRISONERS COME HOME: PAROLE AND PRISONER REENTRY (2003); JEREMY TRAVIS, BUT THEY ALL COME BACK: FACING THE CHALLENGES OF PRISONER REENTRY (2005).



little opportunity to gain useful work experience.<sup>136</sup> People who have been involved in the justice system struggle to obtain a driver's license, own a reliable means of transportation, acquire relatively stable housing, and maintain proper identification documents. These obstacles often prevent them from successfully re-entering the job market and are compounded by criminal background checks, which further limit access to employment.<sup>137</sup> A recent survey found that 96 percent of employers conduct background checks on job applicants that include a criminal history search.<sup>138</sup> Black women in particular face multiple forms of discrimination based on their race, sex, and criminal record.<sup>139</sup>

Furthermore, the people with criminal records who do find jobs are often in the low-wage workforce,<sup>140</sup> plagued with the unstable conditions described above that make it hard to meet SNAP's time limit requirements.

Because of the proposed rule's impact on people with criminal records, the Center urges the USDA to withdraw this proposed rule.

## **6. The proposed rule will likely have a disparate impact on young adults**

Young adults account for a considerable share of the time limit population. Nearly half (47 percent) of the individuals subject to the time limit are ages 18 to 29.<sup>141</sup> Approximately 85 percent have at most a high school diploma or equivalent.<sup>142</sup>

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<sup>136</sup> CHRISTY VISHER, SARA DEBUS & JENNIFER YAHNER, THE URBAN INST., EMPLOYMENT AFTER PRISON: A LONGITUDINAL STUDY OF RELEASEES IN THREE STATES (Oct. 2008), *available at* <https://www.urban.org/sites/default/files/publication/32106/411778-Employment-after-Prison-A-Longitudinal-Study-of-Releasees-in-Three-States.PDF>.

<sup>137</sup> MARINA DUANE ET AL., THE URBAN INST., CRIMINAL BACKGROUND CHECKS: IMPACT ON EMPLOYMENT AND RECIDIVISM (Mar. 2017), [https://www.urban.org/sites/default/files/publication/88621/2017.02.28\\_criminal\\_background\\_checks\\_report\\_finalized\\_blue\\_dots\\_1.pdf](https://www.urban.org/sites/default/files/publication/88621/2017.02.28_criminal_background_checks_report_finalized_blue_dots_1.pdf).

<sup>138</sup> THOMAS AHEARN, EMPLOYMENT SCREENING RES., SURVEY FINDS 96 PERCENT OF EMPLOYERS CONDUCT BACKGROUND SCREENING (Aug. 2017), <http://www.esrcheck.com/wordpress/2017/08/03/survey-finds-96-percent-of-employers-conduct-background-screening/>.

<sup>139</sup> Studies such as Decker et al. (2014) have shown that white women are more likely to receive a callback than Black women and employers are more likely to call back men with a prison record than women with a prison record. NING FU ET AL., THE EFFECTS OF A CRIMINAL RECORD ON EMPLOYMENT, WELFARE PARTICIPATION, AND HEALTH: A MODEL OF LONG-RUN BEHAVIORS AND OUTCOMES WHEN LAGGED VARIABLES ARE MISSING NON-RANDOMLY 9-10 (May 2017), *available at* <https://kelley.iu.edu/doc/bloomington/faculty-research/departments/business-economics-public-policy/Donna%20Gilleskie%20Paper.pdf>.

<sup>140</sup> GRANT ET AL., *supra* note 126, at 56.

<sup>141</sup> CARLSON, ROSENBAUM & KEITH-JENNINGS, *supra* note 108.

<sup>142</sup> *Id.*



The proposed rule would harm youth and youth of color, given the considerable barriers they face in entering the labor market and maintaining employment. Nationwide, approximately 4.6 million young adults ages 16 to 24 are out of school and unemployed.<sup>143</sup> Over 11 percent of young women are disconnected from both school and work, and many women of color have even higher disconnect rates: 14.2 percent for young Black women, 14.8 percent for young Latinx women, and 23.4 percent for Native American women.<sup>144</sup> In February 2019, the unemployment rate was 10.6 percent for women age 18 to 19 and 6.8 percent for women age 20 to 24.<sup>145</sup>

Even when employed, young adults are more likely than older workers to have jobs with low wages<sup>146</sup> and face the challenges described above for the low-wage workforce that make meeting time limit requirements difficult. In addition, 522,000 young women age 18 to 24 work part-time for economic reasons.<sup>147</sup>

Furthermore, young adult workers are more likely to experience fluctuating work hours common to youth-hiring sectors such as retail, restaurants, agriculture, construction, and other services. For example, approximately 90 percent of young food service workers reported that their hours fluctuated in the last month by 68 percent, on average.<sup>148</sup> In addition, half of retail workers reported that they know their work schedule one week or less in advance, and half of janitors and housekeepers reported that their employer completely controls the timing of their work.<sup>149</sup>

Young adults in these jobs use SNAP to help them cover basic needs, but many young adults will lose SNAP under the proposed rule when their hours fall below 20 hours per week. The proposed rule penalizes young adults who struggle to find stable employment by increasing food insecurity.

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<sup>143</sup> SARAH BURD-SHARPS AND KRISTEN LEWIS, SOCIAL SCI. RES. COUNCIL, MEASURE OF AMERICA, MORE THAN A MILLION REASONS FOR HOPE YOUTH DISCONNECTION IN AMERICA TODAY (Mar. 2018), <http://measureofamerica.org/youth-disconnection-2018/>.

<sup>144</sup> *Id.*

<sup>145</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE A-10 UNEMPLOYMENT RATES BY AGE, SEX, AND MARITAL STATUS, SEASONALLY ADJUSTED, *available at* <https://www.bls.gov/web/empsit/cpseea10.htm> (last modified Mar. 8, 2019).

<sup>146</sup> ALLEVIATING POVERTY FOR OPPORTUNITY YOUTH, JFF (Dec. 2018), [https://jfforg-prod-prime.s3.amazonaws.com/media/documents/HEA\\_Poverty\\_121918.pdf](https://jfforg-prod-prime.s3.amazonaws.com/media/documents/HEA_Poverty_121918.pdf).

<sup>147</sup> Nat'l Women's Law Ctr. calculations based on U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE 22 PERSONS AT WORK IN NONAGRICULTURAL INDUSTRIES BY AGE, SEX, RACE, HISPANIC OR LATINO ETHNICITY, MARITAL STATUS, AND USUAL FULL- OR PART-TIME STATUS, <https://www.bls.gov/cps/cpsaat22.htm> (last modified Jan. 18, 2019).

<sup>148</sup> SUSAN J. LAMBERT, PETER J. FUGIEL & JULIA R. HENLY, U. CHI., SCHEDULE UNPREDICTABILITY AMONG EARLY CAREER WORKERS IN THE US LABOR MARKET: A NATIONAL SNAPSHOT 3 (Aug. 2014), *available at* [https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly\\_executive\\_summary.b\\_0.pdf](https://ssa.uchicago.edu/sites/default/files/uploads/lambert.fugiel.henly_executive_summary.b_0.pdf).

<sup>149</sup> *Id.*



This proposed rule will also harm many students. Students enrolled at least half-time are not subject to the time limit, and this will not change under the proposed rule. However, students enrolled less than half-time and not otherwise exempt will now be at increased risk of losing benefits under the proposed rule if they are unable to meet SNAP time limit rules. Many low-income students must work part-time to support themselves and their families, and therefore enroll in college less than half-time. However, 20 hours per week (80 hours per month) may be too many hours for some students to be able to attend classes and complete their homework. In addition, many young adult students lack access to stable half-time work since young adults are more likely to work in the unstable low-wage workforce.

Analyses of the labor market over the past decade illustrate the considerable barriers to getting and maintaining employment without some form of postsecondary education. Workers with a high school diploma or less lost 5.6 million of the 7.2 million jobs wiped out in the Great Recession.<sup>150</sup> These workers have recovered less than 80,000 jobs in the decade since, while those with a bachelor's degree gained 4.6 million jobs in the recovery.<sup>151</sup> Of the jobs created since the Great Recession, 99 percent have gone to those with some form of postsecondary education.<sup>152</sup> Workers with a postsecondary education also benefit from the majority of jobs with livable wages and employer-provided benefits.

Postsecondary officials and students report being confused by SNAP's current student rules, which leads to misinformation about the availability of SNAP on campus and low SNAP enrollment.<sup>153</sup> The proposed time limit rule will add to the confusion, compounds the challenges of maintaining SNAP, and undermines education activities that could lead to greater economic contributions and increased productivity.<sup>154</sup> USDA should reduce administrative complexity, not add to it with this proposed rule.

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<sup>150</sup> ANTHONY P. CARNEVALE, TAMARA JAYASUNDERA & ARTEM GULISH, GEORGETOWN U. CTR. ON ED. AND THE WORKFORCE, *AMERICA'S DIVIDED RECOVERY: COLLEGE HAVES AND HAVE-NOTS* (2016), <https://cew.georgetown.edu/wp-content/uploads/Americas-Divided-Recovery-web.pdf>.

<sup>151</sup> *Id.*

<sup>152</sup> *Id.*

<sup>153</sup> U.S. GOV'T. ACCT. OFF., *FOOD INSECURITY: BETTER INFORMATION COULD HELP ELIGIBLE COLLEGE STUDENTS ACCESS FEDERAL FOOD ASSISTANCE BENEFITS* (Dec. 2018), *available at* <https://www.gao.gov/assets/700/696254.pdf>. A reported 57 percent of potentially eligible students (those who have low incomes, and at least one additional risk factor for food insecurity) are not presently accessing SNAP. *Id.*

<sup>154</sup> NOAH BERGER & PETER FISHER, ECON. POL'Y INST., *A WELL-EDUCATED WORKFORCE IS KEY TO STATE PROSPERITY* (Aug. 2013), <https://www.epi.org/publication/states-education-productivity-growth-foundations/>.

Low-income individuals continue to enroll in postsecondary programs at increasing rates because they understand that postsecondary education is the most reliable pathway to economic security. Without access to SNAP, low-income students who are food insecure may struggle to persist in and successfully complete their postsecondary education.<sup>155</sup> The proposed rule is therefore incredibly short-sighted in limiting student success in postsecondary education.<sup>156</sup> Consequently, the Center urges the USDA to withdraw this proposed rule.

## **7. The proposed rule will likely have a disparate impact on former foster youth**

Girls are nearly half of the children in foster care.<sup>157</sup> Youth who exit foster care are likely to be subject to existing time limits in SNAP. This may be one reason why SNAP receipt is relatively low for this group, even as the need for food assistance is demonstrably high.<sup>158</sup> While 30 percent of former foster youth receive SNAP or another form of public assistance, a much higher rate (77 percent) received health insurance through Medicaid.<sup>159</sup> This gap suggests that former foster youth are experiencing barriers to accessing SNAP and the other public benefits tracked in the National Youth in Transition Database (NYTD).<sup>160</sup> The SNAP time limit is one such barrier.

This proposed rule, if implemented, would harm youth aging out of foster care who experience high rates of unemployment and poverty.<sup>161</sup> Former foster youth also have particular difficulty finding consistent work. According to the most comprehensive survey of former foster youth, 48 percent of youth who aged out of foster care (49 percent of

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<sup>155</sup> DUY PHAM, CTR. FOR LAW & SOCIAL POL'Y, BENEFITS ACCESS FOR COLLEGE COMPLETION: LESSONS LEARNED FROM A COMMUNITY COLLEGE INITIATIVE TO HELP LOW-INCOME STUDENTS (July 2016), <https://www.clasp.org/blog/benefits-access-college-completion-lessons-learned-community-college-initiative-help-low-income>.

<sup>156</sup> *Id.* at 22.

<sup>157</sup> MELANIE MEISENHEIMER, CTR. FOR THE STUDY OF SOCIAL POL'Y, SUPPORTING YOUTH AGING OUT OF FOSTER CARE THROUGH SNAP 1 (2016), available at <https://cssp.org/resource/supporting-youth-aging-out-of-foster-care-through-snap/>.

<sup>158</sup> On the importance of SNAP for former foster youth, see *Id.*

<sup>159</sup> U.S. DEP'T OF HEALTH & HUMAN SERVS., ADMIN. FOR CHILDREN & FAMILIES, NAT'L YOUTH IN TRANSITION DATABASE, COMPARING OUTCOMES REPORTED BY YOUNG PEOPLE AT AGES 17 AND 19 IN NYTD COHORT 2 (Nov. 2017), available at [https://www.acf.hhs.gov/sites/default/files/cb/nytd\\_data\\_brief\\_6.pdf](https://www.acf.hhs.gov/sites/default/files/cb/nytd_data_brief_6.pdf) (hereinafter "NYTD OUTCOMES REPORTED BY YOUNG PEOPLE AT AGES 17 AND 19").

<sup>160</sup> See MELANIE MEISENHEIMER, CTR. FOR LAW & SOCIAL POL'Y, SUPPORTING YOUTH AGING OUT OF FOSTER CARE THROUGH SNAP (2016), available at <https://cssp.org/resource/supporting-youth-aging-out-of-foster-care-through-snap/>.

<sup>161</sup> RACHEL MERKER, FIRST FOCUS, STRENGTHENING AND PROTECTING SNAP: AMERICA'S BEST DEFENSE AGAINST CHILD FOOD INSECURITY 4-5 (Sept. 2017), available at <https://firstfocus.org/wp-content/uploads/2017/10/Strengthening-SNAP-Fact-Sheet-FINAL.pdf>.

young women who aged out of foster care) were currently employed at age 23 or 24, compared to three-quarters of similarly situated youth who had not been in foster care.<sup>162</sup> A shocking 30 percent of youth who had aged out were looking for employment.<sup>163</sup> For those who were working, they were more likely to work in low-wage jobs with inconsistent hours.<sup>164</sup> Young women were especially likely to work fewer hours and receive lower pay.<sup>165</sup>

Many former foster youth face the low-wage workforce barriers identified above. Here are some other structural barriers to work that many former foster youth and other SNAP recipients face:

- **Lower Education:** Unemployment rates for people with less education tend to be high even in a good economy.<sup>166</sup> About a quarter of SNAP participants who are subject to the time limit have less than a high school education, and half have at most a high school diploma or GED.<sup>167</sup> The educational attainment of former foster youth mirrors that of the overall population of SNAP recipients subject to the time limit. By age 23 or 24, nearly one quarter of youth who aged out of foster care did not have a high school diploma or GED—they were about three times as likely not to have a high school diploma or GED as their peers who had not been in foster care.<sup>168</sup> They were also less likely to be currently enrolled in school compared to their peers who had not been in foster care—17 percent compared to 23 percent.<sup>169</sup>
- **Homelessness:** Former foster youth have particularly high rates of homelessness, which can make it difficult to find and keep a job. Scholars have found that the likelihood of being laid off is between 11 and 22 percentage points higher for people who involuntarily lose their homes, compared to similar workers

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<sup>162</sup> COURTNEY ET AL., *supra* note 22, at 27-28.

<sup>163</sup> MARK COURTNEY & JENNIFER HOOK, CHAPIN HALL AT THE U. CHICAGO, EMPLOYMENT OF FORMER FOSTER YOUTH AS YOUNG ADULTS: EVIDENCE FROM THE MIDWEST STUDY (2010), *available at* <https://www.chapinhall.org/research/coordinated-systems-key-to-employment-for-youth-formerly-in-state-care/>.

<sup>164</sup> COURTNEY ET AL., *supra* note 22, at 27.

<sup>165</sup> *Id.* at 29.

<sup>166</sup> U.S. DEP'T OF LABOR, BUREAU OF LABOR STATISTICS, TABLE 7 EMPLOYMENT STATUS OF THE CIVILIAN NONINSTITUTIONAL POPULATION 25 YEARS AND OVER BY EDUCATIONAL ATTAINMENT, SEX, RACE AND HISPANIC OR LATINO ETHNICITY, *available at* <https://www.bls.gov/cps/cpsaat07.htm> (last modified Jan. 18, 2019).

<sup>167</sup> CARLSON, ROSENBAUM & KEITH-JENNINGS, *supra* note 107.

<sup>168</sup> COURTNEY, ET AL., *supra* note 22, at 22-23.

<sup>169</sup> *Id.*

who did not.<sup>170</sup> By age 23 or 24, 37 percent of youth who aged out of foster care had been homeless or couch surfed since exiting foster care.<sup>171</sup>

- **Involvement with the criminal justice system:** Youth who aged out of foster care are much more likely to have been arrested and had involvement with the criminal justice system than similarly situated youth who did not age out.<sup>172</sup> This compounds the systemic employment discrimination these former foster youth face.
- **Racial discrimination:** On the youth surveyed in the NYTD, at age 19, 58 percent were white, 36 percent were Black, three percent were American Indian or Alaska Native, two percent were Asian, and one percent were Native Hawaiian or Other Pacific Islander.<sup>173</sup> Twenty percent identified as Latinx.<sup>174</sup> This intersectionality compounds the chance of facing employment discrimination and struggling to get 20 hours of work each week.
- **Health:** Former foster youth are more likely to describe their health as fair or poor compared to similarly situated youth,<sup>175</sup> which can be a barrier to work. As previously discussed, the current exemption for people who are “physically or mentally unfit for employment” is imperfect, and this proposed rule would harm even more former foster youth whose health makes it harder to get 20 hours of work each week.
- **Caregiving:** Youth who age out of foster care are more likely to have children than similarly situated youth, and therefore are more likely to have caregiving responsibilities. If they are noncustodial parents, these caregiving responsibilities can interfere with their ability to meet the requirements of the SNAP time limit.<sup>176</sup>

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<sup>170</sup> Matthew Desmond & Carl Gershenson, Housing and Employment Insecurity among the Working Poor, *Social Problems* (Jan. 11, 2016), *available at* <http://scholar.harvard.edu/files/mdesmond/files/desmondgershenson.sp2016.pdf?m=1452638824>.

<sup>171</sup> COURTNEY, ET AL., *supra* note 22, at 10. Data from the National Youth in Transition Database reports similarly high rates of homelessness: twenty percent of nineteen-year-olds reported having been homeless at some point in the last two years, the majority of whom (79 percent) were no longer in foster care. NYTD OUTCOMES REPORTED BY YOUNG PEOPLE AT AGES 17 AND 19, *supra* note 159.

<sup>172</sup> COURTNEY, ET AL., *supra* note 22, at 67-68.

<sup>173</sup> NYTD OUTCOMES REPORTED BY YOUNG PEOPLE AT AGES 17 AND 19, *supra* note 159. Seven percent of the respondents did not identify their race. *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> COURTNEY, ET AL., *supra* note 22, at 40.

<sup>176</sup> COURTNEY, ET AL., *supra* note 22, at 49-53.

- **School:** Former foster youth and other SNAP recipients who are in school may also not be able to work. According to the analysis of the work histories of people subject to the SNAP time limit, eight percent of those who were in the labor force but not working reported being a student as the reason.<sup>177</sup> Most students enrolled in higher education are ineligible for SNAP to begin with,<sup>178</sup> but those who are eligible may have difficulty meeting their responsibilities at school while working twenty hours or more a week.

USDA should expand access to SNAP for former foster youth and other groups experiencing barriers to accessing SNAP, not restrict it by expanding the reach of time limits through this proposed rule.

### **C. The Proposed Rule Would Not Improve Employment Outcomes and Would Undermine Investments in Programs That Do**

Lessons learned from TANF, SNAP, and other programs demonstrate that work reporting requirements are not effective at connecting people to living-wage jobs<sup>179</sup> and do little to impact overall employment. Research shows that employment increases among individuals subject to work reporting requirements were modest and faded over time.<sup>180</sup> In nearly all of the approximately dozen programs evaluated, employment among individuals *not* subject to work reporting requirements was the same as or higher than employment among individuals subject to work reporting requirements within five years.<sup>181</sup> A recently released study on child poverty by the National Academies of Sciences even concluded that “work requirements are at least as likely to *increase* as reduce poverty.”<sup>182</sup>

The time limit in SNAP is so severe, and the additional supports available to SNAP recipients so limited, that the outcomes for people affected by it are likely to be worse than those affected by work reporting requirements in other programs. Unlike work reporting requirements in most public assistance programs, states have no obligation

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<sup>177</sup> Ctr. for the Study of Social Pol’y calculations based on data in BAUER, *supra* note 40.

<sup>178</sup> U.S. DEP’T OF AGRIC., FOOD & NUTRITION SERV., SUPPLEMENTAL NUTRITION PROGRAM (SNAP): STUDENTS <https://www.fns.usda.gov/snap/students> (last published May 25, 2016).

<sup>179</sup> LADONNA PAVETTI, CTR. ON BUDGET AND POL’Y PRIORITIES, WORK REQUIREMENTS DON’T CUT POVERTY, EVIDENCE SHOWS (June 2016), <https://www.cbpp.org/research/poverty-and-inequality/work-requirements-dont-cut-poverty-evidence-shows>.

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> NAT’L ACADS. OF SCIS., ENGINEERING & MEDICINE, A ROADMAP TO REDUCING CHILD POVERTY: A CONSENSUS STUDY REPORT 7-13, *available at* [http://sites.nationalacademies.org/dbasse/bcyf/reducing\\_child\\_poverty/index.htm](http://sites.nationalacademies.org/dbasse/bcyf/reducing_child_poverty/index.htm) (Greg Duncan & Suzanne Le Menestrel, eds., 2019) (emphasis added).





under the SNAP time limit rules to offer any skills training, employment services, or transportation assistance<sup>183</sup> to individuals before cutting them off SNAP.

Some state and local leaders in the adult/postsecondary education and workforce development sectors have worked hard over the past decade to intentionally engage SNAP participants in high-quality programs and develop partnerships for SNAP Employment and Training (E&T). These efforts require substantial resources and capacity to deliver outcomes, are still in early stages, and are not widely available to SNAP recipients. Most states lack adequate funding to serve all individuals subject to the time limits, regardless of the quality of programming offered. Historically, many states have chosen not to offer work or training opportunities to individuals subject to the time limits.<sup>184</sup>

USDA has only provided about \$300 million to states each year to administer E&T programs,<sup>185</sup> and the Fiscal Year 2020 budget has not proposed sufficient funding to help all individuals subject to the time limit.<sup>186</sup> Effective programs promoting employment and training opportunities range from \$7,500 to \$14,000 per participant, and less intensive TANF employment programs had a median cost about \$5,000 per participant in 2016.<sup>187</sup> This lack of funding shows that the Administration is not sincere about helping people find quality jobs. As a result of this inadequate funding, many people who are willing to participate in E&T activities will lose SNAP if they cannot find a countable activity – which does not include job searching – on their own.

Many states have already sought to repeal SNAP's time limit because of the administrative complexity of implementing it.<sup>188</sup> **Reducing states' flexibilities and making more people subject to the SNAP time limit will in fact divert funding from SNAP education and training (E&T) programs to administer and enforce the time limit.** For example:

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<sup>183</sup> Lack of affordable transportation limits access to school and training necessary to gain the new skills to get a quality job in the local labor market. GRANT ET AL., *supra* note 126, at 24.

<sup>184</sup> NUNE PHILLIPS, CTR. FOR LAW & SOCIAL POL'Y, SNAP AND WORK (Jan. 2018), [https://www.clasp.org/sites/default/files/publications/2018/01/2018\\_snapandwork.pdf](https://www.clasp.org/sites/default/files/publications/2018/01/2018_snapandwork.pdf).

<sup>185</sup> U.S. DEP'T OF AGRIC., WHAT IS SNAP E&T?, <https://snaptoskills.fns.usda.gov/about-snap-skills/what-is-snap-et>.

<sup>186</sup> The Fiscal Year 2020 budget estimates providing education and skills-based training to only 40 percent of SNAP E&T participants. U.S. DEP'T OF AGRIC., 2020 USDA EXPLANATORY NOTES – FOOD AND NUTRITION SERVICE, *available at* <https://www.obpa.usda.gov/32fns2020notes.pdf>.

<sup>187</sup> ED BOLEN ET AL., CTR. ON BUDGET & POL'Y PRIORITIES, HOUSE FARM BILL WOULD INCREASE FOOD INSECURITY AND HARDSHIP 9 (July 30, 2018), *available at* <https://www.cbpp.org/sites/default/files/atoms/files/4-16-18fa.pdf>.

<sup>188</sup> ED BOLEN & STACEY DEAN, CTR. ON BUDGET & POL'Y PRIORITIES, WAIVERS ADD KEY STATE FLEXIBILITY TO SNAP'S THREE-MONTH TIME LIMIT (Feb. 6, 2018), *available at* <https://www.cbpp.org/research/food-assistance/waivers-add-key-state-flexibility-to-snaps-three-month-time-limit>.

- Because of the added costs of administering the SNAP time limit to more people, some states lacking adequate funding may not offer *any* work or training opportunities.
- Other states with SNAP E&T programs will likely have to shift to *low-intensity programs* that are not often designed to serve the range of needs of all people subject to the time limit. Some struggling workers will have substantial stabilization needs (e.g., emergency housing, transportation, and dependent care) that cannot be addressed through low-intensity E&T programs. There are also opportunity costs for participants in ineffective, low-intensity SNAP E&T programs: the time that a SNAP recipient spends participating in a low-intensity program in order to meet work reporting requirements could have been spent obtaining skills and credentials, finding a quality job, and increasing their earnings. Lack of affordable transportation also limits access to school and training necessary to gain the new skills to get a quality job in the local labor market.<sup>189</sup>

Because the proposed rule penalizes people for being poor and needing assistance to put food on the table, USDA should withdraw the proposed rule. Instead, USDA should consider ways to invest in portions of the SNAP program that actually would help people access quality jobs. For example, voluntary SNAP E&T programs do not subject individuals to sanctions that increase food insecurity and can significantly increase employment, whereas mandatory SNAP E&T programs withhold basic assistance if individuals cannot meet participation requirements in a given month.<sup>190</sup>

#### D. The Proposed Rule Would Harm Children

Because SNAP is so important for low-income and food-insecure children, current rules around the SNAP time limit explicitly exempt adults who have a dependent child under the age of 18 or live in a household with children under 18. However, this definition may not allow for the complex financial arrangements that low-income families utilize to put food on the table. Consequently, time limits harm many children living in poverty, who often depend on pooled resources (including SNAP benefits) from extended family members who do not claim them as dependents.<sup>191</sup> For example:

- **Children with non-custodial parents (NCPs):** Poverty is a troubling reality for custodial and noncustodial parents. The most recently available data from 2015

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<sup>189</sup> GRANT ET AL., *supra* note 126, at 24.

<sup>190</sup> FOOD STAMP E&T PROGRAM: BETTER DATA NEEDED, *supra* note 76.

<sup>191</sup> FIRST FOCUS, HOW THE PROPOSED SNAP TIME-LIMIT RULE WILL HARM CHILDREN (Feb. 2019), *available at* <https://firstfocus.org/wp-content/uploads/2019/02/FACT-SHEET-How-the-Proposed-SNAP-Time-Limit-Rule-Will-Harm-Children.pdf>.

suggests that 3.5 million custodial parents live below the poverty line, making access to food assistance all the more important for them and their children.<sup>192</sup> Thus, some 4.5 million low-income custodial parents who rely on child support payments from NCPs also utilize SNAP to put food on the table for their children.<sup>193</sup> Yet NCPs are often themselves low-income, with 2.1 million living below the poverty line in 2015, and 1.5 million accessing SNAP to supplement their resources to afford child support payments.<sup>194</sup> Because NCPs are not exempt from the SNAP time limit, the proposed rule not only threatens them, but also their children. An underemployed or unemployed NCP who loses SNAP may need to divert their income from child support payments in order to stay afloat financially, which would be particularly devastating given that child support represents more than half of the income of the families in poverty who receive it.<sup>195</sup>

- **Children whose extended family members provide financial support:** Some low-income children may rely on food, financial assistance, or free child care from extended family members, family friends, or a parent's significant other who do not live with them but use SNAP to supplement their income. Households that are the most financially precarious are the most likely to rely on such transfers to make ends meet. Considering that financially precarious households are often embedded together within the same networks, they likely receive money or assistance from others who were also struggling economically.<sup>196</sup> If people subject to SNAP time limits in these networks lose SNAP benefits due to this proposed rule, it would disrupt their ability to lend that crucial assistance to low-income children.

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<sup>192</sup> U.S. DEP'T OF HEALTH & HUMAN SERVS., OFF. OF THE ASSISTANT SEC'Y FOR PLANNING & EVALUATION, HOW MANY FAMILIES MIGHT BE NEWLY REACHED BY CHILD SUPPORT COOPERATION REQUIREMENTS IN SNAP AND SUBSIDIZED CHILD CARE, AND WHAT ARE THEIR CHARACTERISTICS? (July 13, 2018), <https://aspe.hhs.gov/pdf-report/how-many-families-might-be-newly-reached-child-support-cooperation-requirements-snap-and-subsidized-child-care-and-what-are-their-characteristics>.

<sup>193</sup> U.S. CENSUS BUREAU, CUSTODIAL MOTHERS AND FATHERS AND THEIR CHILD SUPPORT: 2015 CURRENT POPULATION SURVEY, (Apr. 2016), <https://www2.census.gov/programs-surveys/demo/tables/families/2015/chlds15.pdf> (Table 4).

<sup>194</sup> *Id.* at 7.

<sup>195</sup> HEATHER HAHN, URBAN INST., NAVIGATING WORK REQUIREMENTS IN SAFETY NET PROGRAMS: POTENTIAL PATHWAYS FOR PARENTS (Jan. 2019), [https://www.urban.org/sites/default/files/publication/99479/navigating\\_work\\_requirements\\_in\\_safety\\_net\\_programs\\_0.pdf](https://www.urban.org/sites/default/files/publication/99479/navigating_work_requirements_in_safety_net_programs_0.pdf).

<sup>196</sup> The Pew Charitable Trusts, Extended Family Support and Household Balance Sheets: Getting by with a little help from friends and relatives (Mar. 2016), available at [https://www.pewtrusts.org/-/media/assets/2016/03/fsm\\_kinshipbrief.pdf](https://www.pewtrusts.org/-/media/assets/2016/03/fsm_kinshipbrief.pdf).

- **Children impacted by the opioid crisis:** Today, more than 2.5 million children are being raised by their grandparents or other relatives, in part because families are dealing with parental alcohol and substance abuse issues, which are growing rapidly due to the opioid epidemic.<sup>197</sup> However, the adults who provide informal kinship care for children impacted by substance abuse issues may not do so on a consistent schedule. Consequently, they may face obstacles in securing an exemption from SNAP's time limits. If they lose access to SNAP in the face of tightened time limit requirements, the children they care for could experience increased poverty and food insecurity as a result.

The current SNAP time limit already harms the children in these resource-sharing situations, even if they are not the intended targets of the policy. This proposed rule would exacerbate this problem and should be withdrawn.

#### **E. The Proposed Rule Would Harm Seniors Not Subject to the Time Limit**

While seniors may themselves not be subject to the time limit, many may have family members who cannot document 20 hours of work each week. By cutting SNAP benefits for such family members, the proposed rule would result in harm to many seniors.

As mentioned above, families living in poverty often depend on pooled resources, including SNAP benefits. This proposed rule would harm seniors who get their food from relatives' pooled resources and would face a gap if their relative loses SNAP due to time limits. In addition, a senior may need to provide help to a son, daughter, or relative who loses SNAP due to time limits. This can create a financial burden for a low-income senior already struggling to make ends meet.

For families living at or near poverty levels, these additional financial burdens could mean sacrificing basic needs to fill gaps in lost SNAP benefits, undermining the senior's ability to pay rent, pay for transportation to a job, or eat a healthy diet. Therefore, the Center urges USDA to withdraw this proposed rule.

#### **F. The proposed rule attempts to make an end-run around Congress**

The Administration's proposed rule seeks to circumvent Congress, which just concluded a review and reauthorization of SNAP in the 2018 Farm Bill. The Farm Bill was enacted just two weeks before this proposed rule was announced and did not make the changes proposed therein. As a bipartisan group of senators noted, this proposed rule is contrary

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<sup>197</sup> GENERATIONS UNITED, IN LOVING ARMS: THE PROTECTIVE ROLE OF GRANDPARENTS AND OTHER RELATIVES IN RAISING CHILDREN EXPOSED TO TRAUMA (2017), *available at* <https://www.gu.org/app/uploads/2018/05/Grandfamilies-Report-SOGF-2017.pdf>.



to Congressional intent, as evidenced by the rejection of similar attempts to limit states' waiver flexibilities in the 2014 and 2018 Farm Bills.<sup>198</sup> Instead of limiting states' waiver authority, Congress has focused on E&T pilots.<sup>199</sup> In addition, the proposed rule's changes to carryover exemptions directly contradicts Congressional intent in the 2018 Farm Bill. The Conference Report specifically stated the Congressional intent for states to "continue to accrue exemptions and retain carryover exemptions from previous years, consistent with current law."<sup>200</sup>

Because this proposed rule is counter to Congressional intent in administering SNAP, the Center urges USDA to withdraw this proposed rule.

### **G. Charities Cannot Make Up for the Cuts in This Proposed Rule**

By time-limiting food assistance, the burden of providing food to these unemployed individuals has shifted from SNAP to local charities.<sup>201</sup> When food assistance shifts from SNAP to philanthropy, it puts more strain on the charitable food sector that is in no way prepared to address the scope of food insecurity in this country. For every single meal provided by charity, SNAP provides 12.<sup>202</sup> Food insecurity is far too pervasive to be solved by private citizens.

Charities are also ill equipped to respond to large increase in regional economic hardship, whether structural or countercyclical hardship. This is all the more evident after the 35-day government shutdown, when 800,000 furloughed employees living paycheck to paycheck in largely middle-class professions were suddenly exposed to unwarranted food insecurity and hunger and placed an unprecedented strain on the emergency food system.

Because charities cannot feed the 755,000 people the proposed rule estimates would lose access to SNAP, the Center urges USDA to withdraw this proposed rule.

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<sup>198</sup> Letter to Sonny Perdue, Secretary of Agriculture, from Senator Debbie Stabenow et al. (Mar. 28, 2019), *available at* <https://www.agriculture.senate.gov/imo/media/doc/19%2003%2028%20Letter%20to%20Perdue%20re%20ABAWD%20Rule.pdf>.

<sup>199</sup> *Id.*

<sup>200</sup> *Id.*

<sup>201</sup> MORE THAN 500,000 ADULTS WILL LOSE SNAP, *supra* note 50.

<sup>202</sup> KATE LEONE, FEEDING AMERICA, FEEDING AMERICA STATEMENT ON ABLE-BODIED ADULTS WITHOUT DEPENDENTS PROPOSED RULE (Dec. 20, 2018), <https://www.feedingamerica.org/about-us/press-room/feeding-america-statement-able-bodied-adults-without-dependents-proposed-rule>.



## H. The Proposed Rule Will Harm the Economy

By the Administration's own calculations, the proposed rule would cut at least \$15 billion in SNAP benefits over 10 years (about \$1.5 billion each year).<sup>203</sup> In addition to taking food away from 755,000 low-income people, these cuts will also have negative economic ripple effects, as SNAP benefits have been shown to have positive multiplier effects on state and local economies and to create new agricultural jobs.<sup>204</sup> As stated previously, every \$1 billion spent by SNAP recipients supports 12,748 jobs.<sup>205</sup> If this proposed rule goes into effect next year, then 18,900 jobs would be lost in 2020 alone and more than 178,000 jobs would be lost over 10 years.<sup>206</sup> Applying Blinder and Zandi's 2015 fiscal multiplier, this \$15 billion SNAP cut would shrink U.S. GDP by about \$18.3 billion.<sup>207</sup>

In addition, the proposed rule inhibits SNAP from its historical role in rapidly responding to changing economic conditions, and the resulting impact on the economy will affect all job seekers. Applying the fiscal multiplier from the Great Recession, the \$1.5 billion SNAP cut each year would translate into \$2.6 billion lost economic activity each year.<sup>208</sup>

## IV. CONCLUSION

In sum, the rules governing areas' eligibility for waivers and individual exemptions have been in place for nearly 20 years. In that time, the waiver rules have proven to be transparent and manageable for states to operationalize. USDA's proposed rule flouts Congressional intent and ignores the barriers that low-income unemployed and underemployed women may face in satisfying the time limits. What is more, USDA provides no meaningful plan to mitigate the harm that it concedes the proposed rule would inflict on individuals around the country, not to mention their families and communities. Instead of facilitating the law's purpose of alleviating hunger and

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<sup>203</sup> Supplemental Nutrition Assistance Program: Requirements for Able-Bodied Adults Without Dependents, 84 Fed. Reg. at 989.

<sup>204</sup> MARK M. ZANDI, MOOD'S ECONOMY.COM, ASSESSING THE MACRO ECONOMIC IMPACT OF FISCAL STIMULUS 2008 (Jan. 2008), <https://www.economy.com/mark-zandi/documents/Stimulus-Impact-2008.pdf>; HANSON, *supra* note 41; U.S. DEP'T OF AGRIC., FOOD & NUTRITION SERVS., The Benefits of Increasing the Supplemental Nutrition Assistance Program Participation in Your State (Dec. 2011), *available at* [https://www.fns.usda.gov/sites/default/files/bc\\_facts.pdf](https://www.fns.usda.gov/sites/default/files/bc_facts.pdf); SNAP HELPS STRUGGLING FAMILIES, *supra* note 37.

<sup>205</sup> WEST & VALLAS, *supra* note 43.

<sup>206</sup> *Id.*

<sup>207</sup> *Id.*

<sup>208</sup> *Id.*



malnutrition of low-income individuals<sup>209</sup> by expanding access to SNAP, this proposed rule seeks to undermine SNAP's ability to provide food assistance to those in need.

The Center strongly opposes the proposed rule that would expose even more women to the arbitrary SNAP food cutoff policy and harm our country. USDA should withdraw this proposed rule and instead address barriers to accessing SNAP and work with other stakeholders to increase availability of and access to good jobs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Melissa Boteach'.

Melissa Boteach  
Vice President for Income Security and Child Care/ Early Learning  
National Women's Law Center

A handwritten signature in blue ink, appearing to read 'Amy K. Matsui'.

Amy K. Matsui  
Senior Counsel & Director of Income Security  
National Women's Law Center

A handwritten signature in blue ink, appearing to read 'Sarah Hassmer'.

Sarah Hassmer  
Income Security Fellow  
National Women's Law Center

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<sup>209</sup> See 7 U.S.C. § 2011(2); 7 C.F.R. 271.1(a).