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Food and Nutrition Service
Office of Employment and Training
1320 Braddock Place
Alexandria, VA 22314

RE: Proposed Rule: Employment and Training Opportunities in the
Supplemental Nutrition Assistance Program RIN 0584-AE68

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

To Whom It May Concern:

The National Women's Law Center (the Center) takes this the opportunity to comment in response to the U.S. Department of Agriculture (USDA) proposed rule on Employment and Training (E&T) Opportunities in the Supplemental Nutrition Assistance Program (SNAP), which implements provisions of the Agriculture Improvement Act of 2018 (commonly called the 2018 Farm Bill) that modestly improved state SNAP E&T programs in several ways. Unlike other recent SNAP rulemakings from this administration, this proposed rule may help engage and support E&T program participants in finding and keeping jobs.

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. For more than 45 years, the Center has been on the leading edge of every major legal and policy victory for women.

In order to remain eligible for SNAP benefits beyond three months, certain adults must participate in a qualifying work activity for at least 20 hours a week and report this work activity. Participating in SNAP E&T programs funded by USDA, which help SNAP recipients gain training, skills, and work experience, can assist recipients in meeting these requirements and avoiding time limits. States can also operate voluntary SNAP E&T programs, which offer skill development and other employment and training services to SNAP recipients who choose to participate without risk of losing SNAP.

Because of the importance of SNAP to women's economic security, health, and well-being, the Center generally supports the proposed changes that make several improvements for individuals participating in E&T and for state administration but has some concerns. In summary:

- SNAP reduces hunger, food insecurity, and poverty for millions of people, including a diverse group of women, children, and families.
- Voluntary SNAP E&T programs have the capacity to increase economic security for individuals with low incomes and do not pose the threat of sanctions as mandatory E&T programs do.
- The Center supports proposed improvements to SNAP E&T operations in the proposed rule but urges USDA to provide states with maximum flexibility to implement changes responsive to the needs of SNAP recipients.
- SNAP E&T programs should focus on connecting participants with quality jobs and utilize subsidized employment as a tool to promote gender and racial justice.

I. SNAP reduces food insecurity and poverty for millions, while acting as a critical health and economic intervention.

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 64.¹ In Fiscal Year (FY) 2018, SNAP served more than 39.7 million people in nearly 19.7 million households on average each month.²

As the nation's largest federal food assistance program, SNAP is the first line of defense against food insecurity.³ One in nine U.S. households experience food insecurity, and women,⁴ people of color,⁵ and LGBTQ people⁶ face a higher risk of food insecurity. SNAP is a highly effective program that provides families struggling to make ends meet with monthly funds specifically designated for food purchases.

SNAP serves a diverse group of women and families. Women make up 63 percent of non-elderly adult SNAP recipients, and women of color are 33 percent of adult recipients.⁷ SNAP also serves over 11 million people with disabilities.⁸ In a national

¹ JASMINE TUCKER ET AL., NAT'L WOMEN'S LAW CTR., BY THE NUMBERS: DATA ON KEY PROGRAMS FOR THE WELL-BEING OF WOMEN & THEIR FAMILIES 3 (Dec. 2019), *available at* <https://nwlc-ciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2019/12/Bythenumbers2019-2.pdf>.

² *Id.*

³ For example, research shows that households with children who participate in SNAP for six months have an 8.5 percentage point decrease in food insecurity. JAMES MABLI ET AL., U.S. DEP'T OF AGRIC., FOOD AND NUTRITION SERV., MEASURING THE EFFECT OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) PARTICIPATION ON FOOD SECURITY (Aug. 2013), *available at* <https://fns-prod.azureedge.net/sites/default/files/Measuring2013.pdf>.

⁴ ALISHA COLEMAN-JENSEN ET AL., U.S. DEP'T OF AGRIC., HOUSEHOLD FOOD INSECURITY IN THE UNITED STATES IN 2018, at 14 (2019), <https://www.ers.usda.gov/webdocs/publications/94849/err-270.pdf?v=963>.

⁵ *Id.*

⁶ BIANCA D.M WILSON & KERITH J. CONRON, THE WILLIAMS INST., NATIONAL ESTIMATES OF FOOD INSECURITY: LGBT PEOPLE AND COVID-19 (2020), *available at* <https://williamsinstitute.law.ucla.edu/wp-content/uploads/Food-Insecurity-COVID19-Apr-2020.pdf>.

⁷ TUCKER ET AL., *supra* note 1, at 3.

⁸ 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/foodassistance/snap-provides-needed-food-assistance-to-millions-of->

survey, more than one in four LGBTQ women reported that they or their family received SNAP, compared to one in ten non-LGBTQ women, and 41.2 percent of disabled LGBTQ survey respondents reported receiving SNAP.⁹ In another survey, 31 percent of survivors of domestic violence reported applying for food assistance since the abusive relationship began.¹⁰

SNAP is also a critical health intervention and support for women and families with low incomes. Research shows that food insecurity increases the risk of negative physical and mental health outcomes. For example, a USDA study found that “[a]dults in households with food insecurity were 15.3 percentage points more likely to have any chronic illness than adults in households with high food security... This is a 40-percent increase in overall prevalence.”¹¹ Food insecurity is also linked to an increase in the prevalence and severity of diet-related disease, such as obesity, type 2 diabetes, heart disease, stroke, and some cancers.¹² This exacerbates the heightened risk women, particularly women of color, have for contracting these diseases.¹³

In addition, receiving SNAP and having sufficient food helps people work.¹⁴ SNAP helps people put food on their table while working in low-paid jobs or while searching for work, including through E&T participation. 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. SNAP’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.¹⁵

people-with (data based on the 2015 NATIONAL HEALTH INTERVIEW SURVEY). U.S. Department of Agriculture demographic data provide a 4.3 million statistic for FY 2018 but uses a narrower definition of disability. U.S. DEP’T OF AGRIC., FOOD & NUTRITION SERVS., CHARACTERISTICS OF SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM HOUSEHOLDS: FISCAL YEAR 2018, at 3, 25 (Nov. 2019), available at <https://fnspod.azureedge.net/sites/default/files/resource-files/Characteristics2018.pdf>.

⁹ 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>.

¹⁰ 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/NRCDDV_PublicBenefits-WeWouldHaveHadToStay-Nov2018.pdf.

¹¹ 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 WITH DISABILITIES (2017), available at <https://www.ers.usda.gov/webdocs/publications/84467/err-235.pdf?v=42942>.

¹² *Id.*

¹³ *Id.*

¹⁴ 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>.

¹⁵ See ELIZABETH WOLKOMIR & LEXIN CAI, CTR. ON BUDGET & POL’Y PRIORITIES, THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM INCLUDES EARNINGS INCENTIVES (Mar. 6, 2018), available at <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), available at <https://www.cbpp.org/research/the-relationship-between-snap-and-work-among-low-income-households> (providing information on the relationship between SNAP and work).

Furthermore, SNAP helps the economy. Recent studies estimate that \$1 of SNAP benefits leads to between \$1.50 and \$1.80 in total economic activity during a recession,¹⁶ and SNAP will be vital to the nation's economic recovery after the COVID-19 pandemic ends. In addition, the program supported 782,600 jobs in 2018.¹⁷ Moreover, SNAP dollars help many food retailers operating on thin margins to remain in business, which improves food access for all residents.

II. Voluntary SNAP Employment & Training programs help increase employment for individuals with low incomes.

Voluntary SNAP E&T programs have the potential to increase economic wellbeing for participants without imposing penalties that increase food insecurity. Research shows that voluntary programs can significantly increase employment, as they are often smaller and more targeted.¹⁸ Voluntary programs also give states greater capacity to invest in participants who are actively able to search for work.¹⁹ In contrast, mandatory SNAP E&T programs threaten to take SNAP away from people who are unable to comply with arbitrary rules.²⁰ Instead of spending time receiving necessary skills, resources, and education, recipients who are in mandatory programs must spend time complying with regulations to keep food on their tables. Furthermore, mandatory work programs encourage recipients to enter the labor market sooner, but with fewer of the skills and tools needed to find a stable, quality job with livable wages and critical benefits like paid leave.

The Center supports the shift many states have made from mandatory to voluntary SNAP E&T programs²¹ and urges USDA to encourage more states to make this shift.

III. The proposed rule makes several improvements for individuals in SNAP E&T programs and state agency operations, though there is room for additional improvement.

The Center supports the proposed changes that make several improvements for individuals participating in E&T, including:

¹⁶ See PATRICK CANNING & BRIAN STACY, U.S. DEP'T. OF. AGRIC., ECON. RES. SERV., THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND THE ECONOMY: NEW ESTIMATES OF THE SNAP MULTIPLIER 6-8 (2019), *available at* <https://www.ers.usda.gov/webdocs/publications/93529/err-265.pdf?v=8010.7> (regarding research by Blinder and Zandi exhibited in Table 1).

¹⁷ 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/>.

¹⁸ U.S. GOV'T ACCOUNTABILITY OFFICE, GAO-19-56, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM: MORE COMPLETE AND ACCURATE INFORMATION NEEDED ON EMPLOYMENT AND TRAINING PROGRAMS (Nov. 2018), *available at* <https://www.gao.gov/assets/700/695632.pdf>.

¹⁹ *Id.*

²⁰ JULIA B. ISAACS, MICHAEL KATZ & RIA AMIN, URBAN INST., IMPROVING THE EFFICIENCY OF BENEFIT DELIVERY: OUTCOMES FROM THE WORK SUPPORT STRATEGIES EVALUATION (Nov. 2016), <https://www.urban.org/research/publication/improving-efficiency-benefit-delivery>.

²¹ U.S. GOV'T ACCOUNTABILITY OFFICE, *supra* note 18.

- Improving the work registration process by requiring states to inform individuals of their work-related requirements;²²
- Clarifying that “good cause” applies when there is not an appropriate work activity for a mandatory E&T participant, thus ensuring – if implemented correctly – that individuals not lose SNAP due to the lack of an opportunity to comply with E&T;²³
- Helping ensure people do not lose SNAP when they cannot meet the work requirement through no fault of their own by clarifying that a state agency must determine whether an individual who failed to meet the 20 hour work or training requirement (or failed to complete workfare) had “good cause” and, if they did, must be considered to have fulfilled the requirement;²⁴ and
- Implementing a 2018 Farm Bill provision to require a state to reassess and, if appropriate, rerefer an individual when an E&T provider determines the individual is ill-suited for the program.²⁵

The Center also generally supports the proposed changes that can improve state agency operation of E&T. This includes provisions that:

- Require states using mandatory E&T programs to report the number of individuals required to participate in E&T and the number that begin to participate. This will generate useful information on the take-up rate of E&T activities and insight on the number of individuals who fail to participate and are thus likely sanctioned. High non-participation rates have concerned stakeholders for years because they are likely correlated with increased hardship among those who did not participate (and thus lose SNAP benefits) and indicate poorly designed or implemented programs that do not work for mandatory E&T participants.
- Require the state E&T program to provide case management services (such as intake assessments, individualized plans, monitoring and coordination of services) to all E&T participants. It also requires a case manager to inform the agency of any individual who should be exempt from mandatory E&T or for whom the manager can’t identify an appropriate E&T activity.
- Add apprenticeships and subsidized employment as allowable activities as well as activities from the E&T pilots that have the most demonstrable impact on finding and retaining employment.

The Center does have some concerns regarding the Supervised Job Search section of the proposed rule. This section implements the 2018 Farm Bill change from “job search” to “supervised job search” as an E&T component. USDA seeks comments on how to further define the terms “state-approved locations,” “directly supervise participants,” and “tracking timing and activities of participants” used in this statutory definition. The Center urges USDA to give states maximum flexibility with these definitions.

²² Employment and Training Opportunities in the Supplemental Nutrition Assistance Program, 85 Fed. Reg. 15304, 15320 (proposed Mar. 17, 2020) (to be codified at 7 C.F.R § 273.7(c)(1)(ii)).

²³ *Id.* at 15315 (to be codified at 7 C.F.R § 273.7(c)(11)(iii)).

²⁴ *Id.* at 15315 (to be codified at 7 C.F.R § 273.24(b)(2)).

²⁵ *Id.* at 15326 (to be codified at 7 C.F.R § 273.7(c)(18)(i)).

USDA should give flexibility with defining “state-approved locations” because agency offices, including SNAP offices, may not be accessible to women with low incomes, especially women of color who reside in segregated neighborhoods. Neighborhoods with predominantly Black and Brown residents have historically lacked access to transportation,²⁶ which has been a major barrier in applying for federal food assistance.²⁷ Therefore, states should be able to provide SNAP E&T services in accessible locations, such as job centers, libraries, and other local facilities, and should provide transportation assistance to people who need it. Online or mobile applications could be a useful additional approved location but should not be the sole approved location because not all families with low incomes have internet access, and there is often distrust of online applications in communities of color.²⁸

States should also have flexibility with direct supervision, which could occur through in-person, texting, or online check-ins. The mode of direct supervision should be guided by what works for SNAP E&T participants based on their needs. For example, caregiving or other family obligations may make texting or online check-ins more accessible.

States should have flexibility for “tracking timing and activities of participants” to use methods that work for SNAP E&T participants. While the Center objects to work requirements in SNAP, Medicaid, or any other program that helps families with low incomes meet their basic needs, states should apply lessons learned from issues with complex reporting systems states used for harmful Medicaid work reporting requirements. For example, Arkansas initially restricted reporting to an online system, posing problems for Medicaid recipients who lacked internet and/or broadband access and user-experience issues that prevented people from logging hours.²⁹ Consequently, states should use a range of approaches, including in-person, phone, and online options, in response to different participants’ needs.

Moreover, online services, as with other SNAP E&T services, should be made accessible to individuals with disabilities or limited English proficiency. In addition, state E&T programs should provide participants with electronic devices or wireless access needed to participate in online activities, similar to the need for transportation assistance to enable participation in in-person SNAP E&T activities.

²⁶ MARGERY AUSTIN TURNER & KARINA FORTUNY, URBAN INST., RESIDENTIAL SEGREGATION AND LOW-INCOME WORKING FAMILIES 5 (Feb. 2009), *available at* <https://www.urban.org/sites/default/files/publication/32941/411845-Residential-Segregation-and-Low-Income-Working-Families.PDF>.

²⁷ SARAH BETANCOURT, AUDIT: TRANSPORTATION A BARRIER TO FOOD ASSISTANCE BENEFITS, COMMONWEALTH MAGAZINE (Sept. 9, 2019), <https://commonwealthmagazine.org/transportation/audit-transportation-a-barrier-to-food-assistance-benefits/>.

²⁸ HEATHER HAHN, MICHAEL KATZ & JULIA B. ISAACS, URBAN INST., WHAT IS IT LIKE TO APPLY FOR SNAP AND OTHER WORK SUPPORTS? (Aug. 2017), *available at* https://www.urban.org/sites/default/files/publication/92766/2001473_what_is_it_like_to_apply_for_snap_and_other_work_supports.pdf.

²⁹ See, e.g., JENNIFER WAGNER & JESSICA SCHUBEL, CTR. ON BUDGET & POL’Y PRIORITIES, STATES’ EXPERIENCES CONFIRMING HARMFUL EFFECTS OF MEDICAID WORK REQUIREMENTS (Oct. 22, 2019), <https://www.cbpp.org/health/states-experiences-confirming-harmful-effects-of-medicaid-work-requirements>.

Taking lessons learned from the COVID-19 crisis, states should have flexibility to adjust locations of state-approved sites and how supervision will be provided so they can be responsive to changing conditions. Therefore, USDA should change the proposed rule to only require state plans to include the *criteria* for approving sites and supervision plans, rather than to specify details on the selection up front.

Furthermore, this proposed rule implements the reduction of discretionary exemptions for people subject to the SNAP time limit mandated in the 2018 Farm Bill from 15 percent to 12 percent of covered individuals. These exemptions are vital for women who live in areas not covered by a state 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. Notably, USDA arbitrarily stopped allowing states to carry over these exemptions, which the Center opposed.³⁰

IV. SNAP E&T programs should focus on connecting SNAP recipients not just to jobs, but to quality jobs with predictable schedules that would permit them to meet the 20 hours per week requirement.

The majority of adult SNAP recipients who can work, do work.³¹ But low-paid and low-quality jobs are often the only ones available to individuals with low incomes, which is why many workers cannot cover basic needs on their paychecks alone.

Nearly 22.2 million people work in the 40 lowest paying jobs, which include child care workers, personal care aides and home health aides, housekeepers, restaurant servers, cashiers, and other vital jobs for our economy.³² Women make up nearly two-thirds (64 percent) of the workforce in these jobs, and women of color are disproportionately represented when compared to their share of the overall workforce.³³ The nature of these jobs can make it highly challenging for those who hold them to consistently meet SNAP's 20-hour weekly work reporting requirements. The unpredictable and unstable work schedules that are common in retail, food service, and other low-paid jobs³⁴ can prevent women from working 20 hours per week, every week. Many low-paid jobs lack paid sick days or other paid leave,³⁵ which presents another obstacle for women with caregiving responsibilities. Consequently, the Center urges USDA to incentivize state

³⁰ Nat'l Women's Law Ctr., Comment Letter on Proposed Rule on Supplemental Nutrition Assistance Program (SNAP): Requirements for Able-Bodied Adults without Dependents (Apr. 2, 2019), *available at* <https://nwlc.org/resources/nwlc-comments-to-the-u-s-department-of-agriculture-on-snap/>.

³¹ 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>.

³² JASMINE TUCKER & JULIE VOGTMAN, NAT'L WOMEN'S LAW CTR., WHEN HARD WORK IS NOT ENOUGH: WOMEN IN LOW-PAID JOBS 3 (Apr. 2020), <https://nwlc.org/resources/when-hard-work-is-not-enough-women-in-low-paid-jobs/>.

³³ *Id.*

³⁴ 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>.

³⁵ NAT'L WOMEN'S LAW CTR., EXPANDING PAID SICK DAYS AND PAID FAMILY & MEDICAL LEAVE IN RESPONSE TO COVID-19 (Apr. 2020), *available at* <https://nwlc.org/resources/expanding-paid-sick-days-and-paid-family-medical-leave-in-response-to-covid-19/>.

E&T programs to focus on connecting SNAP recipients to quality jobs with predictable schedules.

Furthermore, since the COVID-19 pandemic was declared a national emergency, the net number of jobs lost is over 19.5 million,³⁶ bringing the United States into the worst unemployment crisis in decades. During the COVID-19 emergency, women are especially bearing the brunt of work on the front lines and have disproportionately suffered from job losses. Analysis from the Center on Economic and Policy Research shows that women are 64 percent of all workers in front-line industries, including 77 percent of all health care workers, and 85 percent of workers in child care and social services.³⁷ Since February 2020, women have lost 10.9 million jobs total, accounting for 56 percent of all jobs lost since the start of the pandemic.³⁸ In May, about 1 in 6 Black women and nearly 1 in 5 Latinas were unemployed.³⁹

Because of women's historic overrepresentation in the low-paid workforce and the high unemployment rates in the COVID-19 pandemic, which will likely persist for years after the health emergency is over, the Center urges USDA to allow states to begin incorporating subsidized employment into their SNAP E&T programs as soon as the public health situation allows people to safely return to work.

Subsidized employment is an important tool, particularly for women of color facing multiple barriers to employment. Unjust economic conditions perpetuated by racial and gender discrimination, as well as low proximity to jobs⁴⁰ and transportation barriers common in communities of color, make it especially difficult for women of color to recover from economic strain even after the job market has recovered. Ten years after the start of the Great Recession, Black and Asian households have not recovered their pre-recession median income. Compared to 2007, median household incomes in 2017, were down 1.9 percent for Black and 3.8 percent for Asian households.⁴¹ Subsidized employment programs will help promote economic justice for women of color by providing immediate access to employment and earnings, increasing people's work experience, skills, and connections in order to improve their employability after the subsidized job ends.

³⁶ CLAIRE EWING-NELSON, NAT'L WOMEN'S LAW CTR., DESPITE SLIGHT GAINS IN MAY, WOMEN HAVE STILL BEEN HIT HARDEST BY PANDEMIC-RELATED JOB LOSSES (June 2020), *available at* <https://nwlcciw49tixgw5lbab.stackpathdns.com/wp-content/uploads/2020/06/May-Jobs-FS.pdf>.

³⁷ HYE JIN RHO, HAYLEY BROWN & SHAWN FREMSTAD, CTR. ON ECON. AND POL'Y RESEARCH, A BASIC DEMOGRAPHIC PROFILE OF WORKERS IN FRONTLINE INDUSTRIES (Apr. 2020), *available at* <https://cepr.net/wp-content/uploads/2020/04/2020-04-Frontline-Workers.pdf>.

³⁸ EWING-NELSON, *supra* note 36.

³⁹ *Id.* at 2. This likely underestimates the impact of unemployment on women because of misclassification issues in April and May 2020. See U.S. BUREAU OF LABOR STATISTICS, FREQUENTLY ASKED QUESTIONS: THE IMPACT OF THE CORONAVIRUS (COVID-19) PANDEMIC ON THE EMPLOYMENT SITUATION FOR MAY 2020 (June 5, 2020), *available at* <https://www.bls.gov/cps/employment-situation-covid19-faq-may-2020.pdf>.

⁴⁰ ELIZABETH KNEEBONE & NATALIE HOLMES, BROOKINGS, THE GROWING DISTANCE BETWEEN PEOPLE AND JOBS IN METROPOLITAN AMERICA (Mar. 24, 2015), <https://www.brookings.edu/research/the-growing-distance-between-people-and-jobs-in-metropolitan-america/>.

⁴¹ VALERIE WILSON, ECON. POL'Y INST., 10 YEARS AFTER THE START OF THE GREAT RECESSION, BLACK AND ASIAN HOUSEHOLDS HAVE YET TO RECOVER LOST INCOME (Sept. 12, 2018), <https://www.epi.org/blog/10-years-after-the-start-of-the-great-recession-black-and-asian-households-have-yet-to-recover-lost-income/>.

The 2018 Farm Bill mandated the inclusion of subsidized employment as an allowable E&T activity. Unfortunately, in USDA's March 6, 2019 memo to state agencies,⁴² USDA stated that this addition is only effective after rulemaking occurs, whereas states could implement other statutory changes from that section immediately upon state plan approval. There is no justification for this delay—USDA should immediately issue updated guidance allowing states to start implementing subsidized employment without waiting for rulemaking.

V. Conclusion

The Center generally supports the changes in the proposed rule, which provide some modest program improvements and may help some participants find and keep jobs while addressing some of the problems that E&T programs face in engaging and supporting participants. The Center urges USDA to provide states with flexibility in defining the relevant terms in the Supervised Job Search section, as well as to immediately allow states to start implementing subsidized employment. Thank you for the opportunity to submit these comments on this important gender and racial justice issue.

Sincerely,



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⁴² Memorandum from U.S. Dep't. of Agric. to Regional Admin. (Mar. 6, 2019), *available at* <https://fns-prod.azureedge.net/sites/default/files/resource-files/Section-4005-Agriculture-Act-2018.pdf>.