



The Women's Legal Defense and Education Fund

Reversing the Administrative Assault on Women: An Urgent Reform Agenda to Build Back Towards Inclusive Gender Equity

January 2021

To President-Elect Biden and Vice President-Elect Harris's Transition Team:

Legal Momentum, the Women's Legal Defense and Education Fund (formerly the NOW Legal Defense and Education Fund), is the nation's oldest civil rights organization dedicated to advancing and protecting the rights of women and girls. Since 1970 we have been at the forefront of advocacy on a wide range of issues disproportionately impacting women and girls and survivors of gender-based violence, including employment discrimination, pay equity, sexual harassment, sexual assault on campus, and gender bias in the judicial system. Notably, beginning in 1990 we worked alongside President-Elect--then Senator--Biden to draft and pass the Violence Against Women Act (VAWA). Since VAWA was enacted in 1994 Legal Momentum has continued its advocacy efforts for each reauthorization of VAWA to ensure it is strengthened and improved.

In Legal Momentum's five decades of work we have realized many advancements towards gender equality; yet we remain keenly focused on the deeply rooted inequities that remain. Over the past several years we have witnessed the Executive branch exacerbate gender inequities by undermining legal principles and establishing policies, too numerous to count, which compromise gender equality and the safety of survivors of gender-based violence. The federal agency rulemaking process and the executive action powers were abused to further disenfranchise huge portions of our communities.

In order to restore efforts to achieve equality in our society, below are recommendations for immediate action to counter numerous harmful executive orders and regulatory actions. We welcome the opportunity to continue conversations about policies which promote equality, dismantle bias and oppression, and increase the safety of all Americans.

Initially, **we recommend the establishment of a White House Council on Gender Equity**, similar to that of the previously existing White House Council on Women and Girls which was disbanded by the previous administration. This council would be positioned to make observations, through a gender lens, of policies throughout the Executive branch. Beyond the recommendations set forth below, this Council can ensure future policies are consistent with the commitment to advance gender equality.

Federal Regulations and Executive Orders Requiring Immediate Action

ANTI-DISCRIMINATION ENFORCEMENT

Women and other marginalized groups continue to face widespread and systemic discrimination in the workplace, housing, education, and places of public accommodation; and federal enforcement has been inadequate. This section identifies prior administrative actions that further undercut federal anti-discrimination standards and requirements, substantially diminishing the ability of enforcement agencies to effectively tackle discrimination, including gender and racial discrimination. Legal Momentum calls upon the new administration to invest in establishing robust and meaningful anti-discrimination enforcement, starting with a rollback of measures that have weakened this enforcement, including priority measures listed below.

Subject: Combating Race and Sex Stereotyping

Federal Register No.: [Executive Order 13950](#)

Agency: Executive Order

Status: Effective September 22, 2020

Impact: This executive order prohibits federal agencies, contractors and grantees from offering training that includes discussion of systemic racism and sexism. Calling these issues “divisive concepts” and framing such discussions as unpatriotic, the executive order forces organizations to choose between accepting grants and contracts from the government and furthering efforts that promote diversity and inclusion. Particularly in the current economic climate, this proscription will leave financially vulnerable organizations in a perilous position. The executive order undermines efforts to achieve race and gender equality and hinders the exercise of free speech.

Recommendations: Rescind the executive order.

Subject: Making Admission or Placement Determinations Based on Sex in Facilities Under Community Planning and Development Housing Programs

Federal Register No.: [85 Fed. Reg. 44811](#)

Agency: Department of Housing and Urban Development

Status: Comment period closed September 22, 2020

Impact: The rule, if adopted, rolls back the Equal Access Rule which requires HUD-funded facilities to provide equal access to transgender people. This rule authorizes discrimination based on stereotypes about gender and sex and will have a particularly devastating impact on transgender victims of domestic and sexual violence seeking emergency shelter. The protections afforded by the Equal Access Rule are critical to ensuring safe access to shelter for transgender people fleeing violence, disaster and experiencing economic hardship and homelessness.

Recommendations: The Equal Access Rule should remain in place.

Subject: DOJ Memorandum: Revised Treatment of Transgender Employment Discrimination Claims Under Title VII of the Civil Rights Act of 1964

Agency: Department of Justice, Office of the Attorney General

Impact: The DOJ's 2017 memorandum, which reverses the EEOC's 2014 guidance, concludes that Title VII does not prohibit discrimination against transgender workers. The Supreme Court's subsequent decision in *Bostock v. Clayton County*, 590 U.S. ___ (2020), resolved any ambiguity, holding that Title VII's prohibition against discrimination based on sex prohibited discrimination on the basis of sexual orientation and gender identity.

Recommendations: Building upon the EEOC's 2014 guidance and the *Bostock* decision, the new administration should issue updated guidance to ensure that the EEOC is enforcing anti-discrimination protections based on gender identity and sexual orientation.

Subject: EEOC Proposed Updated Compliance Manual on Religious Discrimination

Agency: Equal Employment Opportunity Commission (EEOC)

Status: Comment period closed on 12/17/20

Impact: The EEOC's updated guidance distorts the current legal landscape, interpreting new case law to prioritize religious rights to the detriment of anti-discrimination protections. Specifically, the updated manual goes further than existing case law, interpreting exemptions, standards, and definitions under Title VII to afford excessive deference to religious employers and employees in a way that undermines the government's compelling interest in preventing and remedying discrimination. The proposed update was also compiled without sufficient time, transparency, or collaboration with necessary stakeholders from all sides.

Recommendations: The EEOC should withdraw its proposed update and initiate a transparent, collaborative, and multi-stakeholder process to reevaluate its guidance on religious discrimination. Any guidance should prioritize and center the EEOC's mission to enforce anti-discrimination protections under Title VII of the Civil Rights Act of 1964.

Subject: Proposed Rule on HUD's Implementation of the Fair Housing Act's Disparate Impact Standard

Federal Register No.: [84 Fed. Reg. 42854](#)

Agency: Department of Housing and Urban Development (HUD)

Status: Comment period closed on 10/18/19

Impact: HUD's proposed rule applies a new five-step process to establish a prima facie disparate impact case. In doing so, the rule imposes an excessively burdensome standard of proof alongside overly liberal and problematic affirmative defenses, effectively eliminating the disparate impact standard, contrary to the Fair Housing Act and the Supreme Court's 2015 ruling in *Texas Department of Housing and Community Affairs v. Inclusive Communities Project, Inc.*, 576 U.S. 519 (2015). This new rule will harm protected classes historically denied equal housing opportunity due to long-term systemic discrimination, including women and survivors of gender-based violence, who face higher levels of economic insecurity, which in turn results in high levels of housing insecurity and homelessness. Housing policies that disproportionately impact

women often result in eviction and involuntary displacement, which negatively impact a woman's ability to keep a job and may result in prolonged unemployment, which further impedes her ability to retain stable housing, perpetuating an ongoing cycle.

Recommendation: The proposed rule should be rescinded and the new administration should invest in more robust enforcement of disparate impact claims in areas such as housing and employment.

Legal Momentum Comments: <https://www.legalmomentum.org/library/comments-proposed-rule-hud%E2%80%99s-implementation-fair-housing-act%E2%80%99s-disparate-impact-standard>

Subject: Proposed Rule to Update EEOC's Conciliation Procedures

Federal Register No.: [85 Fed. Reg. 64079](#)

Agency: Equal Employment Opportunity Commission (EEOC)

Status: Comment period closed on 11/9/20

Impact: Under Title VII of the Civil Rights Act, before the EEOC can proceed to litigation, it must attempt to resolve a finding of discrimination through conciliation and retains broad flexibility in how it conducts conciliation. This proposed rule imposes onerous requirements on the EEOC's conciliation process that exceed statutory requirements. By requiring EEOC enforcement staff to prepare costly and extensive disclosures to employers alone, the rule would further distort existing imbalances that workers must overcome during these processes since many are unrepresented and up against skilled employer-side defense firms. At a time when women, particularly women of color, continue to face widespread employment discrimination, the EEOC complaint process serves as a critical mechanism to target and challenge gender-based and other forms of employment discrimination and often provides a channel to advance the rights of large groups of workers. Any attempt to skew the EEOC conciliation process further in favor of employers, who already hold an advantage, will undermine effective enforcement of employment discrimination claims, prevent access to a fair and legitimate process, and harm the rights of workers.

Recommendations: This proposed rule should be withdrawn. Alternatively, the new administration should invest in strengthening independent anti-discrimination enforcement across relevant agencies to ensure that agencies like the EEOC and DOJ have necessary resources and legitimate procedures to meaningfully address discrimination.

EQUITY IN EDUCATION

Women and people of color remain underrepresented and undervalued in numerous areas. Access to education is critical to achieving equality. Several civil rights laws aim to eliminate discriminatory barriers that push women and other marginalized communities out of educational programs. Administrative actions during the prior administration steadily chipped away at protections in place to maintain safe learning environments, remove barriers to accessing education, and eliminate discriminatory conduct that pushes students out of their education. Legal Momentum calls upon the new administration to immediately reverse, and replace, policies that undermine, rather than advance, gender equity in our schools, including the measures listed below.

Subject: Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

Federal Register No.: [85 Fed. Reg. 30026](#)

Agency: Department of Education (DOE)

Status: Final rule (effective Aug. 14, 2020).

Impact: The final rule weakens the civil rights protections afforded students by Title IX. The rule forces schools to ignore sexual harassment and assault and to institute policies and procedures that undermine fairness. The final rule ignores the majority of the more than 130,000 comments submitted which expressed concern over proposed (now final) provisions that weaken Title IX protections and leave victims and survivors vulnerable, demonstrating the flawed rulemaking process.

Recommendations: New rulemaking should commence immediately. Pending new rulemaking, the Department of Education should stop enforcement of the new final rule and issue interim guidance restoring standards from earlier guidance.

Legal Momentum Comments:

<https://www.legalmomentum.org/sites/default/files/reports/LMcommentTIXNPRM-1.28.19.pdf>

Subject: Guidance on Transgender Students and Civil Rights

Agency: Department of Education (DOE)

Status: [Guidance rescinded.](#)

Impact: This rescinded guidance made clear that Title IX protected transgender students from discrimination on the basis of gender identity as sex discrimination. It made clear that a school must treat students consistent with their gender identity or otherwise may create or contribute to a hostile environment in violation of Title IX. The rescinded guidance explained that, under Title IX, schools must allow students to participate in any sex-segregated program or activity consistent with their gender identity (including participation in athletics, use of facilities, and single-sex classes).

Recommendations: The previous guidance, or such a document with similar proscriptions, should be reinstated. Since the rescission of this guidance document, the Supreme Court held in *Bostock v. Clayton County*, 590 U.S. ___ (2020), that, in the context of Title VII, discrimination on the basis of sexual orientation or gender identity is sex discrimination. We urge the new administration to direct all agencies that enforce sex discrimination laws, including the Department of Education, to implement the Court’s holding in *Bostock*.

Subject: 2016 Handbook for Campus Safety and Security Reporting

Agency: Department of Education (DOE)

Status: [Guidance rescinded.](#)

Impact: This rescinded document provided clarity and direction to educational institutions regarding issues on which they commonly sought guidance on when interpreting and assessing their obligations and compliance with the Clery Act.

Recommendations: This guidance should be reinstated and updated.

ECONOMIC JUSTICE & WORKPLACE EQUALITY

Due to systemic discrimination, women, particularly women of color, in the United States are more likely than men to work a minimum wage job, work a low-wage job, experience economic insecurity, and live in poverty. Administrative actions initiated under the prior administration entrenched these unacceptable disparities. Legal Momentum asks that the new administration take bold and transformative steps that strike at the core of these longstanding inequities and solidify protections for women, people of color, and the LGBTQ+ community. As a starting point, this section calls upon the new administration to urgently address numerous administrative actions taken to weaken labor and anti-discrimination protections and chip away at critical benefits that should be expanded.

Subject: Notice of Decision Not to Request Approval to Renew EEO1, Component 2 Pay Data Collection

Federal Register No.: [85 Fed. Reg. 16340](#)

Agency: Equal Employment Opportunity Commission (EEOC), Office of Budget and Management (OMB)

Status: Comment period closed on 4/22/20

Impact: In 2016, the EEOC expanded its employer data collection, requiring large employers to report compensation data based on their race, gender, and ethnicity (Component 2 data). This move marked a critical step towards unlocking information about persistent pay disparities and advancing accountability for pay discrimination. The EEOC, under the Trump administration, was blocked by court order from suspending this data collection. Thus, proceeding with an insufficient notice and comment period during a national public health crisis, and before analyzing the data collected, the EEOC discontinued future Component 2 data collection. The decision to suspend this data collection is harmful to women and people of color, who have been historically underpaid and undervalued and are now being called upon to work on the frontlines of this crisis without adequate and equitable compensation. The persistence of gender inequality in the workplace cannot be overstated. Today, women at all education levels and in nearly all occupations are impacted by persistent pay inequity from the moment they enter the workforce. The decision to discontinue this data collection ignores extensive data and research that demonstrate how greater transparency around compensation practices and decision-making is critical to unearthing and correcting longstanding yet buried gender-based pay disparities.

Recommendations: The EEOC should reinstate its Component 2 data collection and the administration should continue to explore ways to further enhance implementation of pay transparency practices, internal auditing, accountability measures to tackle pay inequity.

Legal Momentum Comments: <https://www.legalmomentum.org/resources/comments-eeoc-employer-information-report-data-collection>

Subject: Proposed Rule to Reassess Independent Contractor Status Under the Fair Labor Standards Act

Federal Register No.: [85 Fed. Reg. 60600](#)

Agency: Department of Labor (DOL)

Status: Comment period closed on 10/26/20

Impact: This rule, if adopted, will enable employers to classify more workers as independent contractors in order to evade minimum wage, overtime, and child labor laws. This rule, if finalized, will inflict harm on workers of color in low-wage jobs where independent contractor misclassification is common and where women are often disproportionately represented. This proposed rule would exacerbate worker exploitation, adding to existing legislative loopholes and carve outs that allow employers to deny basic labor protections to some of our most essential yet vulnerable workers, including women. As a result of these exemptions, women often suffer disproportionately from wage theft, sexual harassment, and abusive working conditions.

Recommendations: This proposed rule should be withdrawn. Instead, the new administration should explore ways to classify more workers as employees. Our regulations should be leveling the playing field to ensure that all workers are covered by our laws and have equitable access to legal protections. Work should provide people with economic security and our laws should aim to ensure that all workers have access to safe and healthy working conditions with fair pay.

Subject: Proposed Rule on Tip Regulations Under the Fair Labor Standards Act

Federal Register No.: [84 Fed. Reg. 53956](#)

Agency: Department of Labor (DOL), Wage and Hour Division

Status: Comment period closed on Dec. 9, 2019

Impact: Under the Fair Labor Standards Act, employers are allowed to pay employees who receive tips a lower minimum wage and to count tips as credit towards reaching the full minimum wage. In reality, employers generally do not pay their employees the difference, leaving many tipped workers earning below an already depressed minimum wage. This proposed rule seeks to expand the categories of workers who can be paid the lower tipped wage by implementing a mandatory tip pool to cover employees who do not customarily receive tips, like dishwashers and cooks. The rule also seeks to eliminate existing exceptions that would allow certain tipped workers doing non-tipped work to receive the regular minimum wage. This rule would expand the use of an exploitative labor practice that should be abolished and increase economic insecurity for workers in tipped industries. In doing so, the rule will have a harmful impact on women, who make up a disproportionate number of workers in tipped industries, where they make unacceptably low wages and their reliance on tips renders them more susceptible to sexual harassment and abuse. In 2021, no employer should be allowed to get away with paying an employee \$2.13 an hour and passing the cost and responsibility on to consumers, who may or may not provide a tip.

Recommendations: This proposed rule should be withdrawn and the administration should take prompt action to enact legislation to eliminate the tipped minimum wage and to increase the federal minimum wage.

Subject: OBM Request for Comment on Considerations for Additional Measures of Poverty

Federal Register No.: [85 Fed. Reg. 8610](#)

Agency: Office of Budget and Management (OMB)

Status: Comment period closed 4/14/20

Impact: During the initial peak of the COVID-19 pandemic, OMB sought comments on additional measures to assess poverty in the United States, raising concerns that OMB was considering narrowing poverty measures to support the previous administration's goal of demonstrating greater well-being among Americans. Attempts to narrow existing poverty measures will negatively and disproportionately impact women, who are more likely to earn low wages, experience economic insecurity, and live in poverty. Already, too many women, children, and families who struggle with hunger and housing insecurity are not captured under current poverty measures because our Official Poverty Measure (OPM) is based on an outdated formula that adjusts for inflation without accounting for other material shifts. As a result, it understates the number of people actually living in poverty in this country.

Recommendations: OMB should embark on a transparent and consultative process, drawing from the expertise of anti-poverty advocates, economists, and researchers, to revisit how we measure poverty and to revise the existing underinclusive formula. This process must look realistically at the income required to cover basic necessities like food, housing, childcare, and healthcare; geographic distinctions in cost of living; spending patterns that account for the full range of family expenditures, including the high cost of childcare; the different ways in which inflation impacts different communities; and the types of income that should be counted.

Subject: Proposed Rule on Revision of Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP)

Federal Register No.: [84 Fed. Reg. 35570](#)

Agency: Food and Nutrition Service (FNS), United States Drug Administration (USDA)

Status: Comment period closed on 9/23/19

Impact: SNAP reduces hunger, food insecurity, and poverty for millions and is critical to maintaining the economic security, health, and wellbeing of women and children across the United States. Under the SNAP program, Broad-Based Categorical Eligibility (BBCE) serves a critical function, affording states flexibility to extend benefits to cover low-wage workers and families in need, who otherwise would not qualify, but need the benefits to feed their families while also covering the high cost of necessities like housing, childcare, and medical care. The proposed rule would limit Broad-Based Categorical Eligibility (BBCE) and restrict this flexibility to extend coverage. As a result, millions of households, many with children, will lose critical benefits at a time when food insecurity is on the rise. Limiting eligibility in this way will

disproportionately harm women, who make up almost two-thirds of low-wage workers and who rely on SNAP benefits to assist them overcome grossly inadequate wages. Increasing food insecurity has many deleterious impacts, heightening the risk of domestic and sexual violence, putting pregnancies at risk, and undermining the wellbeing of children.

Recommendations: The proposed rule should be rescinded and the administration should consider mechanisms to further expand eligibility to the growing number of individuals and families in need.

ACCESS TO REPRODUCTIVE HEALTH AND JUSTICE

Access to family planning and reproductive health services is central to women's health and equality. Acting with disregard for women's wellbeing, the prior administration took aggressive steps to eliminate reproductive rights. Legal Momentum calls upon the new administration to reverse this assault by taking equally aggressive steps to safeguard reproductive justice and women's health, starting with action on the items below, which serve as critical examples of steps taken by the prior administration to restrict and ultimately eliminate access to reproductive health.

Subject: Compliance with Statutory Program Integrity Requirements

Federal Register No.: [84 Fed. Reg. 7714](#)

Agency: Department of Health and Human Services (HHS)

Status: Final rule.

Impact: The Title X program provides an irreplaceable source of funding that allows many independent healthcare clinics to pay for critical infrastructure costs that other funding sources will not cover and enables such programs to serve low-income patients. This rule mandates that Title X funding must not be used in a program that offers abortion as a method of family planning, even though the Title X funds were never used for abortion services. Since the rule's effective date, many long-time, experienced Title X providers--roughly one in four, in fact--have been forced to leave the program. Defunding health care providers who perform or refer for abortion, or even counsel abortion as a family planning option, has grave implications for low-income individuals across the country, many of whom utilize such providers for usual medical care.

Recommendations: This rule should be reversed. Health care providers should be not prevented from receiving Title X funds simply because they also offer abortion services or counseling about health care and family planning options that includes abortion or abortion referrals.

Subject: Religious Exemptions and Accommodations for Coverage of Certain Preventive Services Under the Affordable Care Act

Federal Register No.: [83 Fed. Reg. 57536](#) & [83 Fed. Reg. 57592](#)

Agency: Department of Health and Human Services

Status: Final rule

Impact: This rule will allow virtually any employer or university to deprive women of no-cost contraceptive coverage based upon a stated moral or religious objection. Birth control is essential to women's equality and health, and the overall wellbeing of their families. In addition to the medical benefits of contraception, birth control enables women to be equal participants in the social, political, and economic life of the nation. By enabling women to decide if and when to become parents, birth control allows women to access more professional and educational opportunities and studies show that access to contraception has increased women's wages and

lifetime earnings. This rule interferes in the personal health care decisions of women, and inappropriately inserts a women's employer into the patient-physician relationship.

Recommendations: This rule should be reversed.

HEALTHCARE

With unacceptably high rates of poverty and maternal mortality among women of color, access to high quality and affordable healthcare for women is essential. Such access is all the more essential as a disproportionate number of women of color face unprecedented health risks serving as frontline workers during the COVID-19 pandemic. Legal Momentum calls upon the new administration to take concrete steps towards securing high quality and affordable healthcare for all Americans, regardless of their economic circumstances. A starting point is to reverse actions taken by the prior administration to limit healthcare access under the Affordable Care Act.

Subject: Minimizing the Economic Burden of the Patient Protection and Affordable Care Act
Pending Repeal

Federal Register No.: [82 Fed. Reg. 8351](#)

Agency: Executive Order

Status: Signed 01/20/17

Impact: The Affordable Care Act provides healthcare coverage to millions of low-income individuals. The executive order's broad language gives federal agencies wide latitude to change, delay, or waive provisions of the law that they deem overly costly for insurers, drug makers, doctors, patients or states, resulting in a wide-ranging impact. Further, this executive order allows sections of the ACA to be dismantled by giving power to federal agencies and states to define what is a "hardship" when deferring or waiving ACA directives. Key provisions such as the individual mandate and essential minimum coverage can be suspended if determined to be burdensome.

Recommendations: This executive order should be revoked and agencies directed to ensure the viability and success of the ACA through various policies, and work to expand access to comprehensive, quality, affordable health care for all.

IMMIGRATION

Immigrants and migrant workers make up the heart of our country and our workforce. The previous administration nonetheless unleashed a harmful agenda against immigrant populations in the United States, imposing devastating costs on too many women, children, and families. Legal Momentum calls upon the new administration to acknowledge the invaluable contributions of immigrant women to our economy and society and to restore standards and procedures grounded in dignity and fairness, and in line with our country's legacy as a safe harbor for those seeking refuge, particularly those victimized by gender-based violence.

Subject: Notice of Proposed Rulemaking on Appellate Procedures and Decisional Finality in Immigration Proceedings; Administrative Closure

Federal Register No.: [85 Fed. Reg. 52491](#)

Agency: Executive Office for Immigration Review

Status: Comments closed September 25, 2020

Impact: This proposed rule imposes harsh new procedural restrictions affecting individuals, including survivors of gender-based violence, in immigration proceedings. The rule proposes to speed up appeals procedures at the expense of due process, increasing swift denials of survivors' cases and harming those without legal representation the hardest. As a result, survivors may face deportation before adjudication of their cases seeking protection.

Recommendation: The proposed rule should be rescinded and/or the administration should refuse to take final action to implement this proposed rule.

Subject: Notice of Proposed Rulemaking on Procedures for Asylum and Withholding of Removal; Credible Fear and Reasonable Fear Review

Federal Register No.: [85 Fed. Reg. 36264](#)

Agency: Department of Justice and Department of Homeland Security

Status: Comments closed July 15, 2020

Impact: This proposed rule eliminates would severely curtail asylum protections. The changes would all but eliminate gender as a grounds for asylum, abandoning survivors of domestic and sexual violence, LGBTQ individuals and others escaping gender-based persecution. The rule would stand to bar future asylum seekers but would also impact those whose applications are pending.

Recommendation: The proposed rule should be rescinded and/or the administration should refuse to take final action to implement this proposed rule.

Subject: Visas: Ineligibility Determinations on Public Charge Grounds

Federal Register No.: [84 Fed. Reg. 54996](#)

Agency: Department of Homeland Security, Department of State

Status: Interim final rule.

Impact: This new rule applies to aliens who apply for admission to the US, seek extension of stay or change of status, or apply for adjustment of status. The rule's stated purpose is to ensure that these individuals are self-sufficient and do not rely on public resources to meet their needs. To achieve this goal, the rule expands the types of benefits that could be used against these individuals in their eligibility determinations, to include nutrition assistance, housing support, and various forms of healthcare. DHS also plans to take into account a range of additional factors in making ineligibility determinations, including income, age, educational and skill attainment, family status, English proficiency, household size, and medical condition. Far from advancing self-sufficiency, this rule discriminates against low- and moderate-income families, disproportionately penalizes immigrant women, exacerbates poverty and inequality, and creates an obstacle to survivors of domestic violence seeking safety. As anticipated, this rule is having unique and harmful impacts on immigrant women.

Based on recent reports, women are being forced to put their health, their pregnancies, and the health of their newborn children at risk by forgoing prenatal care and postnatal care and giving birth at home, where they don't risk detection or risk putting their eligibility at risk under this new rule. Despite their essential role in our economy, immigrant women are often the lowest paid individuals in our country. Their immigration status, financial insecurity, and lack of access to opportunity drive far too many women into low-wage jobs and employment in the informal economy, where they work tirelessly for wages that fail to cover the cost of living. The fact that our economy undervalues immigrant women in the workplace means that many working immigrant women must rely on public benefits to supplement their wages to cover necessities—to secure housing, purchase food for their families, and obtain healthcare for their children. All too often, immigrant families that must rely on public benefits are doing so not because they are not working but rather because they are being compensated unfairly or in violation of the law. Additionally, survivors of domestic violence, a component of which is often financial abuse and/or financial dependence on their abuser, often rely on public assistance when fleeing violence. Fear of deportation coupled with fewer options for financially supporting themselves and their children, create huge barriers to seeking safety.

Recommendations: This rule should be rescinded immediately and the new administration should work towards strengthening the immigrant community's access to essential benefits. Legal Momentum Comments: <https://www.legalmomentum.org/library/comments-state-departments-public-charge-rules-and-visa-ineligibility>;