April 30, 1997

Issue No. 5

# **IWPR** Welfare Reform Network News

A Newsletter of the Institute for Women's Policy Research

### WORKFARE

With the states facing a July 1, 1997, deadline to submit their welfare plans to the U.S. Department of Health and Human Services, many state officials are considering how they will meet the challenges of moving large numbers of welfare recipients into the work force. This newsletter describes one central component of state efforts to move welfare recipients into the workforce: workfare. Workfare is one of several policy issues relating to the low-wage labor market and job creation/availability issues under the new welfare law. In this newsletter, we describe some features of workfare programs and present research findings that suggest some implications workfare may have for the low-wage labor market and the well-being of welfare recipients.

### What is Workfare?

Among the first policy initiatives to require and encourage work among welfare recipients was the Work Incentive (WIN) program, initiated by Congress in 1967 as part of the Aid to Families with Dependent Children (AFDC) program. The first use of the term "workfare," however, is attributed to civil rights leader James Charles Evers in 1968, and its use by President Nixon in 1969 placed workfare in the context of federal welfare reform. The promotion of workfare continued with the Talmadge Amendments in 1971, the Community Work Experience Programs (CWEP), and the Omnibus Budget Reconciliation Act (OBRA) of 1981. The Family Support Act of 1988 represented a bipartisan consensus on federally-initiated mandatory workfare. This tendency toward bipartisan consensus on workfare continued into the 1990s. President Bush made the waiver process quicker and easier for states and, signaling a trend of devolution to the states, pledged his support for governors' welfare reform efforts (Peck, 1996). Support for workfare and state-level reform continued under the Clinton administration and the 104th Congress, culminating in the Personal Responsibility and Work Opportunity Reconciliation Act (the PRWORA; PL 104-193) of 1996.

The definition of workfare has varied and broadened over time in the United States, but "workfare" generally refers to work in exchange for public benefits. Workfare is an established tradition in the United States; during the 1930s, "work relief" programs, in which the unemployed received benefits in exchange for work, were initiated to alleviate wide-spread unemployment caused by the Great Depression (Dietrich, Ensellem, & Yau, 1997). Over the years, however, workfare has come to represent an ideology that opposes the standard of an entitlement program of income support based on need (Peck, 1996). Among the stated purposes of the TANF program is to "end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage" (PL 104-193, Sec 103(a)(1)).

The definition of workfare remains somewhat contested. Under the AFDC system, workfare often referred to the Community Work Experience Programs (CWEP). Workfare is not, however, defined or even mentioned in the PRWORA's Temporary Assistance for Needy Families (TANF) legislation, which instead relies on the terms "work experience" and "community service." Several Tel: (202) 785-5100 • Fax: (202) 833-4362 • Web: http://www.iwpr.org

8 compos

of the researchers and advocates we spoke with view workfare as any program in which welfare recipients work for the direct receipt of their benefits. Under this definition, subsidized work slots, which are often discussed alongside workfare, are not considered workfare. Workers in subsidized work slots receive wages from their employers (rather than receiving benefits directly from the welfare office), while employers receive the welfare office's grant money in return for employing recipients.

# Questions and Concerns Regarding the Current Workfare Legislation

It is expected that states will initiate or expand workfare programs in response to pressures to meet the work participation requirements under the new welfare law. In the fiscal year 1997, states must ensure that 25 percent of all families receiving benefits under TANF programs have an adult or minor parent head of household engaged in an approved "work activity." By the year 2002, states must meet work participation rates of 50 percent. The PRWORA does not state that individuals who are exempt from the work requirements are to be excluded from the calculation of the work participation rate. In addition to the work participation rates, the law mandates that welfare recipients must work a minimum of 20 hours per week (which rises to 30 hours per week by the year 2000). Participants who do not comply risk having their benefits reduced or terminated.

Under the PRWORA, vocational education training, education or job skills training directly related to employment, job search and job readiness assistance, and satisfactory attendance in secondary school (or GED classes) count as work activities only for certain individuals (e.g., single parents less than 20 years old), a limited number of people, and/or for a limited time period. No more than 20 percent of all TANF families in a state can meet the work requirement through either vocational education training or, for teen parents, satisfactory school attendance, and an individual recipient's participation in vocational education cannot exceed 12 months. Although higher education is not listed in the law as an authorized work activity, the law seems to be sufficiently flexible to allow states to include basic education (such as high school or GED classes) and higher education as work activities.

In addition, the welfare law imposes a number of time limits on states and recipients. After 24 months of receiving benefits, non-exempt welfare recipients are required to work; states may shorten that time period or even require work immediately after applying for benefits. Additionally, recipients who are not working (or are not exempt from work requirements) are required to participate in community service after two months of assistance, unless the state opts out of this requirement.

- How will the absorption of a great influx of welfare recipients through workfare programs and TANF's work requirements affect the labor market?
- How do workfare programs affect welfare recipients and their ability to become self-sufficient in the long term? State plans that have been submitted vary in the types of work activities they require (before the 24-month time limit). How will these requirements differentially affect the well-being of welfare recipients?
- IWPR research shows that graduating from high school is worth an extra \$1.78 per hour for working mothers, compared to what they would have earned had they not completed high school. In contrast, each year of work experience pays only a few cents per hour in additional earnings, when other factors are statistically controlled for (IWPR, 1997). What will be the effect of workfare programs versus education and training programs on the ability of welfare recipients to find jobs and achieve self-sufficiency for themselves and their families in the long-run?
- Will states ensure that recipients placed into workfare slots enjoy the same protections under the law that regular workers enjoy (such as minimum wage, OSHA, and anti-discrimination protections)? These worker protections were included under the Job Opportunities and Basic Skills Training Program (JOBS), which was the employment and training program under AFDC established in the Family Support Act of 1988, but are not explicitly included in the PRWORA (Dietrich, Ensellem, & Yau, 1997).
- How will the expansion of workfare programs affect current workers? Are current workers being displaced as a result of expanding workfare programs?

Under the PRWORA, states have more flexibility to design programs to help those who find work only sporadically or at low wages, but states may lack the resources to implement such programs. The PRWORA also allows states to avoid many of the obligations to expand or improve employment-related programs. This combination of lax requirements and limited funding may provide incentives for states to deny aid to families rather than implement effective employment or education and training programs. A further incentive for cutting off aid to families is the caseload reduction credit, which reduces a state's work participation rate requirement by the number of percentage points by which the state's caseload has fallen since fiscal year 1995. Although the law stipulates that states cannot receive credit for families diverted from aid due to eligibility requirement changes, the many factors that could affect caseload levels make this difficult to prove and enforce. Researchers and advocates should be aware that DHHS will have to issue regulations defining caseload reduction credit guidelines. In addition, the PRWORA's time limits may force states to cut off individuals who are making an honest effort to look for work, but are unable to find any (Savner, 1996). According to IWPR research, women who rely on welfare unsuccessfully look for work an average of six months during a two year period (IWPR, 1997).

# Selected Work-Related Requirements of State Welfare Plans, as of April 30, 1997

### Compiled by the Children's Defense Fund

19 out of 44 States have specified in their state plans that welfare participants must search for a job or participate in

a work program before 24 months. These are:

California (after 22 mos)

Connecticut (immediately after application)

Delaware (job search immediately after application)

Florida (immediately after application)

Iowa (after initial orientation & assessment)

Kentucky (job-ready recipients after 6 mos)

Massachusetts (within 60 days of benefit receipt)

Michigan (immediately after application)

New Hampshire (immediately after application)

New Mexico (within 60 days of approval)

Oklahoma (immediately after application)

Oregon (immediately after application)

Pennsylvania (8 wks of job search during 24 mos required)

Rhode Island (within 45 days of qualifying for assistance) South Carolina (2 weeks of job search precede assistance)

Tennessee (after signing personal responsibility agreement)

Utah (immediately after application)

Virginia (within 90 days of receiving assistance)

Wisconsin (immediately after application)

15 out of 44 states have opted out of the TANF Community Service Requirement. These are:

Connecticut

Kentucky

Oregon

Virginia

District of Columbia

Maryland

Rhode Island

Washington

Hawaii

Missouri

Tennessee

West Virginia

Iowa

Oklahoma

Texas

2 out of 44 states have stated specifically that they will implement the TANF Community Service Requirement:

Massachusetts (for recipients with school age children who are not in a work program)

Michigan (does not expect to opt out)

The above list comes from "Selected Features of State Welfare Plans" by the Children's Defense Fund (CDF). CDF updates this information regularly. For more information, please contact Cristina Firvida at CDF, (202)662-3556.

# Adequate and Appropriate Job Creation for Workfare Participants

Even with the current steady economic expansion and low overall unemployment rate, it is likely that meeting TANF work requirements will involve states in substantial job creation. There are several routes to job creation that states may pursue under the PRWORA (Savner, 1996).

- Creating unpaid work slots creates "jobs," but has been shown to do a poor job of preparing participants for paid work in the regular labor market. Also, unpaid work may cause the displacement of incumbent workers and raises questions about the fairness of requiring work without offering workplace protections or of providing compensation below the minimum wage.<sup>1</sup>
- Wage subsidies for private sector employment have been shown to be ineffective in creating jobs, although research has shown a combination of wage subsidies and targeted training and job placement to have a modest, positive employment impact for the targeted population (Katz, 1996).

<sup>&</sup>lt;sup>1</sup> Based on the number of hours worked per week and the amount of public assistance received by the individual.

• States could also use federal funds to create *public employment programs*, which, if carefully designed, are more effective than unpaid work or wage subsidies. The Public Service Employment program, created under the Comprehensive Employment and Training Act (CETA), resulted in greater earnings increases compared to classroom training or unpaid work. An additional advantage of public employment programs is that recipients earn wages (making it *not*, according to some definitions, workfare), thus making recipients eligible for EITC payments. This strategy was not an option under AFDC/JOBS.

#### Research on Workfare

The Community Work Experience Programs (CWEP)

One example of workfare under the old welfare system is the Community Work Experience Programs, authorized under the Family Support Act of 1988. CWEP participants were required to work the number of hours equal to the value of their welfare benefit divided by the minimum wage. After the first nine months, CWEP participants earned "comparable" wages to regular employees: the number of hours required became the amount of the grant divided by the wage earned by regular employees doing the same work. Sponsoring agencies were state and local governments and non-profit agencies.

A 1993 study by the Manpower Demonstration Research Corporation (MDRC) looked at past evaluations of the CWEP programs during the 1980s and early 1990s. The study examined unpaid work experience programs that were relatively small scale, dealing with a limited portion of the welfare population and mostly limited to three months of participation. The costs of running the programs ranged from \$700 to \$2,000 per participant (in 1993 dollars) for a time period averaging three to six months. The study found little evidence that unpaid work leads to consistent employment, earnings increases, reductions in welfare caseloads, or reductions in welfare benefits paid by states. MDRC concluded that, to run a large scale unpaid work experience program, sufficient funding and worksite capacity, clear procedures, sufficient monitoring, strong welfare staff commitment, and a "buy-in" from public employee unions and welfare rights groups are needed. The authors note, however, that the study findings may not be generalizable to the current workfare debate, since the programs reviewed by MDRC took place within a different political context (i.e., before the passage of the PRWORA; Brock, Butler, & Long, 1993 and Levin-Epstein, 1993).

## Effects on the low-wage labor market

Research by the **Economic Policy Institute** suggests that some of the components of the new welfare law, such as the time limits and work requirements, will have a negative impact on the low-wage labor market. Lawrence Mishel and John Schmitt (1995) estimated that the labor market would have to absorb at least one million new workers as a result of the work requirements imposed by proposed welfare changes. The authors estimated that this influx of workers into the low-wage labor market would result in an 11 percent decrease in wages in the low-wage labor market.

Research by Harry Holzer, of Michigan State University, for the Institute for Research on Poverty examined the potential labor market prospects of AFDC recipients required to work under the PRWORA. Characteristics of available low-skill jobs compared with the skills of long-term AFDC recipients and the labor market experiences of welfare recipients were examined to infer the potential job availability and wage levels that recipients will encounter. Holzer estimated that, in

order for AFDC recipients to be fully absorbed by the labor market, low-skill job wages would decrease seven to ten percent (Holzer, 1996).

Chris Tilly, of the University of Massachusetts at Lowell and recently a visiting scholar at the Russell Sage Foundation, estimated possible effects of workfare programs in New York City on wages and employment in the city's workforce in his paper, Workfare's Impact on the New York City Labor Market: Lower Wages and Worker Displacement, using the EPI study as a model. Using standard labor market analysis, Tilly found that expansions in workfare are likely to have a substantial negative effect on the broader workforce, particularly the lowest-wage workers. Tilly calculates three possible outcomes due to workfare: job displacement, wage decreases, or some combination of the two. For example, Tilly calculates that 1,000 AFDC workfare placements (working only 20 hours per week) would lead to a 0.2% wage decrease for New York's lowest paid workers (in both the public and private sectors), the displacement of 510 workers, or a proportional combination of the two. Using projections that the city would compel 75,000 AFDC recipients into workfare by the end of 1996, Tilly estimates that the effect would be the displacement of 58,000 workers, a wage reduction of 26 percent, or some combination of the two.

## Effects on Welfare Recipients

IWPR research on women who receive welfare indicates that having work experience and job training increases the likelihood that AFDC recipients will be employed. These forms of human capital, in addition to education, increase the skills and knowledge that these women bring to the labor market and may make them more attractive to employers compared with those without such human capital attributes (Spalter-Roth, Burr, Hartmann, & Shaw, 1995). Workfare programs may allow welfare recipients to increase their work experience. However, many are concerned that the types of jobs typically available to workfare participants do not provide meaningful and skillenhancing labor market experience. Some advocates argue that more emphasis should be placed on providing education and training. California's Greater Avenues for Independence Program (GAIN), evaluated by MDRC, received a great deal of attention as an example of a successful welfare to work program. The most successful county (Riverside) had large earnings impacts, which may be attributable to its strong program message, stressing the importance of getting a job quickly, along with its combination of job search and adult education services (U.S. DHHS, 1995). However, results across the counties were varied, and MDRC suggests that a balanced use of basic education and training as well as job search may yield better long-term results (Riccio, Friedlander, & Freedman, 1994). According to Gordon Berlin, senior vice president of MDRC, welfare programs offering useful vocational training had the greatest success in moving recipients to better jobs, while programs offering high school equivalency education and pure workfare programs have not led to substantial increases in employment (Firestone, 1997). Berlin offers several possible explanations of why existing program evaluations have not shown basic education to be as effective: 1) evaluations of such programs and their participants may need to be more long-term; 2) so many of the participants drop out that the program evaluations show no net gain; 3) basic education serves as an "enabling" or "gateway service," or as a foundation for subsequent activities, rather than one that immediately increases employment and earnings.

**Jamie Peck**, of the School of Geography and International Centre for Labour Studies in Manchester, England, has written a paper, *Workfare: What Does It Mean?*, examining the role and meaning of workfare in the United States. Peck discusses how, in 1974, a few years after the passage of the workfare-promoting Talmadge Amendments, MDRC was established to evaluate the

results of early workfare experiments. Initial results of the MDRC evaluations became available around the time the Family Support Act was proposed. The results seemed to show that workfare programs were working, which swayed many Democrats who were previously wary of workfare legislation. Policymakers, wanting to broadly apply the workfare policies shown to be successful by the evaluations, failed to comprehend the importance of local political, economic, and social factors in determining the outcomes of workfare policies (Peck, 1996).

Under the Bush administration and the pre-PRWORA Clinton administration, welfare waivers were granted to states almost indiscriminantly, without reliable data on what policies do and do not work (Peck, 1996). Peck argues that one reason why good waiver evaluations were lacking is that states were allowed to introduce several policy innovations in one waiver, making it difficult to determine which policy resulted in which outcomes or changes.

Heather Boushey, a graduate student at the New School for Social Research, is doing her dissertation on workfare in New York City (the Work Experience Program or WEP). WEP was implemented in 1995, and as of 1996 it was the largest workfare program in the country. WEP workers earn only 75 percent of the federally defined poverty level, and the program is not optional. Boushey states that the concept of workfare as a solution to poverty does not take into account stagnating wages, unemployment levels, and discrimination. A full-time, full-year minimum wage worker (60 percent of whom are women) does not earn enough to support a family of three (the average size of a welfare family) above the poverty level. Displacement is also an issue, with union leaders increasingly claiming that WEP workers are replacing union workers and threatening the strength of the unions.

## Ensuring that the Rights and Protections of Workfare Recipients are Upheld

Several organizations have voiced harsh criticism of the worker protections under the new welfare law, particularly around the issue of workfare. In a May 1, 1997, press conference, labor, civil rights, religious, and women's organizations urged the Administration to ensure that welfare recipients who are required to work are protected by existing federal labor laws.2 They stated that workfare recipients should be given employment status and, accordingly, the protection of employment laws, such as minimum wage and Occupational Safety and Health Act (OSHA) protections (Bureau of National Affairs, 1997). Since the PRWORA does not address the issue of whether TANF workers are "employees," the right of workfare participants to be covered by state labor laws, the National Labor Relations Act (NLRA), OSHA, and Federal anti-discrimination laws remains unclear. Many advocates argue that existing labor laws should be enforced; the AFL-CIO believes that the White House should issue guidance clarifying this issue. Workers' compensation is determined on a state-by-state basis, thus is it up to states to decide whether workers' compensation will apply to workfare participants. The Family Medical Leave Act (FMLA) applies to workers who have worked at least one year and who have worked at least 1,250 hours during the 12-month period preceding leave; TANF's requirement of 20 hours of work per week falls below this FMLA standard. IWPR's fact sheet, Employment Protections Needed for Workfare Participants (IWPR, 1997), prepared for the May 1st press conference, raises concerns and offers research findings on the possible effects that the lack of worker protections under TANF workfare programs may have.

<sup>&</sup>lt;sup>2</sup> For more information on the press conference, contact the National Employment Law Project (NELP) at (212) 285-3025.

Organizations that work on civil rights issues have expressed concern throughout the whole welfare reform debate that some of the changes in the welfare system will have serious repercussions on civil rights. According to policy experts at the Women's Legal Defense Fund, the welfare law repeals important anti-discrimination protections. Unlike the Job Opportunities and Basic Skills (JOBS) Training Program in the old welfare system, the PRWORA does not include a comprehensive nondiscrimination provision prohibiting discrimination on the basis of race, sex, national origin, religion, age, or disability (Frye, Entmacher, and Baruch, 1997). The U.S. Department of Labor is now considering issuing a guidance to the states clarifying that workfare employees are covered by federal employment laws.

In addition to granting workfare participants employee status, the following are strategies which states could implement in order to help support recipients who are working at low wages (Savner, 1996).

- Income Support can be offered through the federal and, in some cases, state Earned Income Tax Credit or through welfare assistance that has generous earned income disregards (allowing low wage workers to remain eligible for welfare). However, unlike AFDC, TANF allows states to withdraw all welfare benefits for low-wage workers.
- Child Care provisions under TANF, unlike under AFDC, do not obligate states to guarantee child care. States also have capped federal funds for child care under TANF. However, states must ensure that no less than 70 percent of non-discretionary funding under the Child Care Development Block Grant (now the primary child care subsidy program under the PRWORA) is spent to provide child care assistance to families receiving assistance under TANF who are attempting to become self-sufficient through work or who are at risk or becoming dependent on public assistance. In contrast, AFDC guaranteed child care needed for AFDC recipients to participate in work and allowed states uncapped federal matching funds to pay for child care.
- Job Retention and Reemployment Services may be needed by sporadically employed individuals.

# Ensuring that Workfare will not Result in the Displacement of Other Low-Wage Workers

The PRWORA changed the wording of the anti-displacement regulations, so that employers cannot have the "intent" of replacing workers with recipients. In contrast, under AFDC, employers were barred from having the "effect" of replacing workers with recipients. The difficulty of establishing an employer's intent (e.g., an employer could argue that his intent was to save money rather than to displace a worker) greatly weakens the anti-displacement protections. The PRWORA also weakened displacement protections by allowing unfilled job vacancies to be converted to workfare slots and by lifting the prohibition on partial displacement, meaning that now a full-time worker can be made part-time, with a welfare recipient filling the rest of the shift.

Cities are starting to consider welfare recipients as a source of low-cost labor to replace existing employees, especially unionized employees. Last August, the New York City Municipal Transit Authority (MTA) informed the Transit Union (representing City subway and bus workers) that many of its members would be replaced by welfare recipients. The outcome of negotiations was that 500 subway cleaning jobs would be eliminated through attrition as workfare recipients take their places, and that eventually a few workfare participants would be allowed to join the union in

permanent, wage positions (Bacon, 1996).

Maryland's Governor, Parris N. Glendening, announced on May 3, 1997, that he will issue an executive order strengthening the PRWORA's weak anti-displacement regulations by requiring employers to create one regular position for each subsidized welfare recipient they hire. The Industrial Areas Foundation (IAF) and other advocacy groups are working to persuade state officials nationwide to issue state laws strengthening anti-displacement regulations. Glendening is negotiating with IAF over the details and exact wording of his executive order (Jeter, 1997).

• Since the PRWORA offers little in the way of protection for incumbent workers threatened with displacement by welfare recipients, stronger anti-displacement protections are needed at the state level, according to Cecelia Perry of AFSCME.

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Acknowledgements: This newsletter was written by Stacey Friedman and Jackie Chu, with assistance from Rachel Klein and Rebecca Hoberg. Thank you to Maurice Ensellem of the National Employment Law Project, Marc Baldwin of AFL-CIO Public Policy Department, Christina Firvida of the Children's Defense Fund, for reviewing this newsletter. The "IWPR Weflare Reform Network News" is distributed on a monthly basis. These newsletters are part of a larger IWPR project entitled Coordinating Nationwide Research Efforts on Welfare Reform, which seeks to develop partnerships between researchers, service providers, advocates, and policymakers, and to establish a coordinated research agenda on welfare reform issues of particular importance to women. This project is funded by the Joyce Foundation, the Charles Stewart Mott Foundation, and the John D. and Catherine T. MacArthur Foundation.

## Other Workfare-Related Resources

On April 3, 1997, the USDA Food & Consumer Service issued a memorandum, **Revised Food Stamp Program Guidance for Self-Initiated Workfare Programs**, clarifying its guidance issued on February 10, 1997. For more information Food Stamps and workfare, contact the Food Research & Action Center (FRAC) at (202) 986-2200.

The National Employment Law Project's (NELP) newsletter, *NELP Update*, often contains information regarding workfare. The Winter 1996-97 issue of *NELP Update* focuses on welfare reform and the workplace. For more information, contact NELP at (212) 285-3025.

Workfare Watch, a joint project of the Social Planning Council of Metropolitan Toronto and the Ontario Social Safety Network, monitors and reports on the development and implementation of the Ontario Provincial Government's workfare policy. The project provides a research-based analysis of workfare policies. Workfare Watch's website, at http://worldchat.com/public/tab/wrkfrw/wrkwtch.htm, has links to U.S. workfare websites. OMB Watch has workfare-related materials on its website at http://www.ombwatch.org.

#### Welfare Related Resources

The Northwestern University/University of Chicago Joint Center for Poverty Research (Poverty Center) opened its doors in the fall of 1996. The Poverty Center plans to operate a broad range of research projects, conferences, and dissemination activities, and, in order to promote research on poverty and policy, the Center will offer funds, provide research support, and engage in mentoring. The Center also publishes a newsletter, **Poverty Research News**. The Center will be holding its **First Annual Poverty Research Conference**, "Evaluating State Policy: The Effective Use of Administrative Data," at Northwestern University on June 16-17, 1997. The conference is aimed at the research community; there will be a series of panel discussions and research paper presentations. For more information or a final conference schedule, call the Poverty Center at (847) 491-4145 or e-mail them at povcen@nwu.edu.

The Urban Institute's Assessing the New Federalism Project has recently placed its State Database on its website. The database includes information on income security, health, child well-being, social services, and demographics for the 50 states and the District of Columbia. For more information or to view the database, visit the Urban Institute's website at http://www.urban.org.

### IWPR's Welfare Monitoring Listserv

As part of its project to coordinate welfare research, IWPR has set up a listserv (electronic bulletin board) which is devoted to the discussion of welfare reform. You can subscribe to the list by sending the following command to the listserv address, at listserv@american.edu:

#### SUBSCRIBE WELFAREM-L Full Name

(Use your full name, not your e-mail address. The listserv software can read your e-mail address automatically.) When you sign up you will receive a message which provides further instructions for the listserv. IWPR's welfare reform newsletters are disseminated through the listserv as well as by mail. This listserv offers the opportunity to share with other interested, like-minded scholars and advocates your research and questions on welfare and welfare reform in individual states and at the national level. Discussion of other issues, such as domestic violence or health, as well as calls for papers, conference information, fact sheets, and legislative updates are also welcome. For more information, contact Jackie Chu at chu@www.iwpr.org.