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Commission on Legislation & Civic Action

a division of



Agudath ISRAEL of AMERICA

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LEGISLATIVE AGENDA

for the

98th CONGRESS

FIRST SESSION

1983

INTRODUCTION

The Office of Government and Public Affairs of Agudath Israel of America and its Commission on Legislation and Civic Action have for many years taken positions on various public policy issues before the United States Congress. The purpose of this legislative agenda is to give the members of Congress, agencies of government, and other interested parties an opportunity to become more familiar with some of the matters that are of particular interest to the broad-based Orthodox Jewish community in the United States.

Agudath Israel will continue to comment on legislation introduced in the 98th Congress at appropriate times during the course of the year.

PLEASE NOTE: Unless otherwise indicated, bills are identified by the numbers assigned in the 97th Congress.

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ABORTION

Position - Jewish law teaches that all human life is sacred. The life of a fetus has status and dignity under Torah dictates. The continuation or termination of pregnancy is not a matter of free choice within the province of the mother. In those cases when elimination of the fetus is warranted, such as when the mother's life is endangered, such decision must be made only upon consultation with medical and rabbinical authorities.

The prohibition against the taking of human life is a fundamental moral principle binding upon all mankind, regardless of denominational affiliation. Society cannot accept the right of any of its citizens to take the life of another human being, whether born or unborn. Fetal life is thus entitled to significant protection.

Any legislation dealing with this area will be measured against the twin goals of recognizing the dignity of fetal life and protecting the free exercise of religion guaranteed under the First Amendment.

ASBESTOS

On May 27, 1982, the U.S. Environmental Protection Agency published a final rule which requires, among other things, public and nonpublic elementary and secondary schools by June 27, 1983 to inspect for friable asbestos containing building materials, notify school employees of the location of the friable materials which contain asbestos, and notify the school's parent-teacher association (or the parents themselves if there is no PTA) of the inspection results.

Position - With the Asbestos School Hazard Detection and Control Act of 1980 (P.L. 96-270; 20 U.S.C. 3601), the Congress established a program to provide loans to schools to contain or remove hazardous asbestos materials from schools. The Act provides for a two-tiered program of federal assistance -- first, through grants to local educational agencies, state educational agencies, and schools to detect potential hazards in schools, and second, through interest-free loans to school districts and

nonpublic schools to control detected hazards. Both the federal grants (for detection) and the federal loans (for abatement) can be used to pay for up to 50 percent of the costs of the particular project, except that the Secretary of Education may increase the Federal allocation up to 100 percent of the costs for districts and nonpublic schools with limited financial resources.

Unfortunately, Congress never appropriated funds to implement the program established by the Asbestos School Hazard Detection and Control Act of 1980.

We urge the Congress to appropriate funds for the implementation of the Asbestos School Hazard Detection and Control Act of 1980 so that schools are financially able to comply with the EPA rule (i.e. inspect for friable asbestos) and contain or remove hazardous asbestos in school buildings, thus protecting the health of their students.

COMPUTER EQUIPMENT CONTRIBUTIONS

H.R. 701 (Introduced in the 98th Congress) - This bill would allow a tax deduction to companies that donate computers to public and nonpublic elementary and secondary schools for the education of students. The deduction is for the cost of the equipment, plus one half of the difference between the cost of the computers and their fair market value. This rule is substantially similar to a provision set forth in the Internal Revenue Code for assessing donations of scientific equipment to colleges and universities for research purposes. Any company donating the equipment would be required to have a written plan assuring economic and geographic diversity in its donation program.

Position - Agudath Israel supports this bill.

Budget limitations prevent many public and nonpublic schools from providing students with computers and related equipment needed to develop the skills required in the job markets of the future.

This legislation would encourage manufacturers to

donate computers for use in classrooms throughout the country to enable schoolchildren to be trained in new technology.

Status - A similar bill passed the House of Representatives on September 22, 1982.

DAYLIGHT SAVING TIME

S. 879 and S. 49/S. 1151/S. 2510 - These bills would expand daylight saving time from the current six months to seven months and eight months respectively by amending the Uniform Time Act of 1966 to advance the start of daylight saving time from the last Sunday in April to the last Sunday in March in the case of S. 879, and to the first Sunday in March in the case of S. 49, S. 1151, and S. 2510.

Position - Agudath Israel opposes the latter three bills. According to Jewish religious law, the earliest time that morning prayers may be recited is approximately one hour before sunrise. Orthodox Jews do not leave for work until they complete these prayers. Establishing daylight saving time in early March would cause sunrise to be relatively late in the day. This would adversely affect the daily schedules of many Orthodox Jews, particularly those who live in areas of the United States where the sun already rises relatively late in the day.

Agudath Israel fully supports the efforts of those who wish to expand daylight saving time. We are cognizant of the need to reduce our country's dependence on foreign oil and to lower crime and traffic accident rates. However, because of the serious problem described above, we can only support S. 879 which would establish daylight saving time at the end of March when the sun rises earlier in the day.

DEPARTMENT OF EDUCATION

H.R. 1779, H.R. 1904, H.R. 2289, and S. 1821 - These bills would disband the recently established U.S. Department of Education and would authorize a different administrative structure or structures for federal education program administration.

Position - Irrespective of the proposals outlined in the bills with regard to the future of the Department of Education, Agudath Israel urges the Congress to adopt legislation establishing an Office of Non-Governmental Education to monitor laws and regulations governing educational programs, both existing and proposed, in order to guarantee the equitable participation of nonpublic school students in these programs.

EMPLOYMENT PRACTICES

H.R. 254 - Title VII of the Civil Rights Act of 1964 as amended requires employers to reasonably accommodate the religious practices of an employee of prospective employee, unless such accommodation would create undue hardship for the employer. This bill would provide increased protection for the religious observances and practices of employees and prospective employees by amending the law to require employers to accommodate employees' religious observances and practices unless the employer would suffer "severe pecuniary or other material loss" because of such accommodation.

Position - Agudath Israel supports this bill.

H.R. 1188 - This bill would require the Postal Service to issue regulations allowing Postal Service officers and employees "whose personal religious beliefs require the abstention from work during certain periods of time" to "engage in overtime work for time lost meeting those religious requirements."

Position - Agudath Israel supports this bill.

H.R. 1188 merely requires the Postal Service to work within the framework of Title IV of the Federal Employees Flexible and Compressed Work Schedules Act of 1978 which permits similar compensatory time off for religious observance for other Federal employees.

EQUAL RIGHTS AMENDMENT

S.J.R. 10/H.J.R. 1, H.J.R. 37, H.J.R. 38 - (Introduced in the 98th Congress) - This resolution proposes

an amendment to the Constitution of the United States to provide that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex."

Position - Agudath Israel is strongly opposed to the Equal Rights Amendment.

While we fully support equal opportunities for women in every phase of life, we strongly oppose the E.R.A. because the potential effects of this legislation could threaten our ability to live in accordance with our traditional lifestyle and religious beliefs. We are particularly concerned about the effects of the Equal Rights Amendment on the fiber of family life which is essential to a stable and democratic society. Furthermore, attempting to achieve equality of the sexes by amending the Constitution is in our opinion unnecessary because a vast array of state and federal laws and court decisions already protect women against discrimination.

The proposed amendment is additionally objectionable and would establish a dangerous precedent in that no ratification deadline is included.

The people of the United States, through their state legislatures, have already demonstrated their opposition to E.R.A. We, therefore, urge Congress to follow the dictates of the people and not initiate a new E.R.A. ratification process.

GAY RIGHTS

S. 430 - (Introduced in the 98th Congress) - This bill would prohibit discrimination on the basis of affectional or sexual orientation.

Position - Agudath Israel is strongly opposed to this bill.

We vigorously oppose discrimination of any kind against any individual or group, whether it be based on race, creed, religion, or any other factor. However, the issue of "gay rights" generally and the purpose of this legislation in particular is not simply to protect the

civil rights of homosexuals. Rather, it is an attempt to obtain official government sanction for a "lifestyle" that goes against the social and moral fabric of society and which may have a detrimental effect upon schoolchildren, families, and the community in general.

IMMIGRATION REFORM

S. 529/H.R. 1510 - (Introduced in the 98th Congress) - These bills would revise and reform the Immigration and Nationality Act in several ways. To control illegal immigration, the bills establish civil and criminal penalties for employers who hire illegal aliens. Employers would have to verify that job applicants are either citizens or aliens authorized to work in the United States. In addition, the bills are designed to expedite the review of aliens' claims for asylum and to facilitate the admission to the United States of temporary foreign workers in limited numbers. Finally, the bills grant amnesty to illegal aliens who have lived continuously in the United States for a specified period of time. These aliens would qualify for permanent resident status.

Position - We support efforts to reform our immigration laws to make them more equitable and responsive to human needs. We recognize the need to establish control over our nation's borders and, at the same time, reaffirm our commitment to immigration.

We urge retention of the family reunification (Fifth Preference) category in its present form which provides that U.S. citizens may petition for their alien siblings and their families to come to the United States. Family reunification is an expression of our nation's belief in the vital role that healthy and stable family lives and family values play in the creation of a free, productive and humanitarian society such as ours.

We oppose additional numerical limitations on immigration. We also oppose the elimination of judicial review of applications for political asylum in the United States. A full opportunity for a fair hearing should not be eliminated in order to expedite the review of aliens' claims for asylum. Finally, for the reasons stated above, we oppose restricting the Second Preference category so that permanent residents in the United States would no

longer be able to petition for their unmarried children over the age of twenty-one.

Status - A bill similar to S. 529 passed the Senate in August 1982. A bill similar to H.R. 1510 passed the House Judiciary Committee in September 1982.

MATH AND SCIENCE ACT

H.R. 30 - Emergency Mathematics and Science Education Act - (Introduced in the 98th Congress) - This bill would amend the National Defense Education Act to improve the quality of mathematics and science education in the country.

The legislation would create a grant program for state and local school districts. Most of the money would be used for in-service courses to improve the skills and knowledge of current teachers. Funds could also be used to improve libraries, purchase computers and otherwise bolster the teaching capacity of a school system. Other funds would be earmarked over the next two years for establishing 15,000 scholarships for students who agree to teach science or mathematics for at least two years. Thirty percent of the aid would be reserved for teachers who are already in the classroom. A five-year program, spending \$100 million a year, would establish an Engineering and Science Personnel Fund administered by the National Science Foundation.

Position - Agudath Israel supports this bill.

A national study by the National Assessment of Educational Progress pointed to significant declines in the ability of many elementary and secondary school students in the fields of mathematics and science.

Status - H.R. 30 passed the House of Representatives on March 2, 1983.

QUOTAS

H.R. 3466 - This bill would prohibit governmental imposition of quotas with respect to the hiring or

promotion policies of an individual or entity, or the contracting policies of an individual or entity.

Position - Agudath Israel strongly supports this bill.

We believe that selection, promotion, hiring, and entrance decisions should be based solely on merit, without taking into consideration irrelevant and discriminatory factors such as race, sex, and ethnicity.

SCHOOL PRAYER

S. 481, S. 1742, H.R. 72, H.R. 326, H.R. 2347 - These and other bills introduced in the 97th Congress would deprive the United States Supreme Court and the United States district courts of jurisdiction over any case involving a dispute arising out of a state statute relating to the recital of voluntary prayers in public schools and public buildings.

Position - Agudath Israel opposes these bills because they would establish a dangerous precedent.

While as noted below, we are generally favorably disposed to the reinstatement of the recital of prayers in public schools, these bills would accomplish such a result in a way that threatens to undermine the finely tuned balance of power between the three branches of government. The supremacy of the Supreme Court as the ultimate interpreter of the Constitution is a long accepted principle of American law and should not be changed by legislation. The issue here should not be viewed as one of school prayer but as an attempt to weaken the authority of the highest court in the United States and the lower federal courts. Although we may at times take issue with some of the decisions of the U.S. Supreme Court, we treasure its role in safeguarding civil liberties in this country.

S.J. Res. 199/H.J. Res. 493 - This Joint Resolution proposes an amendment to the Constitution of the United States permitting individual or group prayer in public schools and other public institutions.

Position - Agudath Israel strongly supports the Reagan Administration's emphasis on the return to traditional values in the family, in the community and in society at large. Permitting prayer in schools is consistent with these values. However, the proposed constitutional amendment fails to define the type of "prayer" advocated, and this ambiguity could lead to unacceptable interpretations. We reserve judgment on this issue until the measure under consideration clearly spells out the form and text of the prayer to be recited in schools.

TIME OF DEATH

The President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research recommended in 1981 that the Uniform Determination of Death Act should be enacted into law in all fifty states. The Act would authorize determinations of death based upon the cessation of brain activity.

Position - Agudath Israel strongly opposes the adoption of the Uniform Determination of Death Act.

The definition of death involves ethical, legal, religious, and medical considerations and should therefore not be the subject of legislation. Moreover, according to both Jewish law and the common law death does not occur when the brain stops functioning; it occurs only upon the total cessation of respiratory and cardiac activity. A "brain death" statute would therefore violate the First Amendment's guarantee of religious freedom.

In those states where time of death statutes have already been enacted and where chances of overturning the law are minimal, we support an amendment to such statutes to allow for an "exemption clause" which would permit the next-of-kin to object to a determination of death that is contrary to the basic tenets of a patient's religion.

TRUTH-IN-TESTING

H.R. 1312 and H.R. 1662 - These bills would require all educational and occupational admissions testing

services to provide examinees with sufficient notice of test subject matter and test results.

At the time New York State passed a truth-in-testing law in 1979, testing companies immediately announced that they would eliminate three out of four special test administrations for Sabbath observers, who for religious reasons, cannot take examinations on Saturday. This would have created serious difficulties for Sabbath observers who would have had only one chance per year for a make-up examination. The law was subsequently amended to require an equal number of special administrations for Sabbath observers. Studies have shown that companies have not experienced any hardship as a result of this legislation.

Position - Agudath Israel urges the Congress to incorporate in this legislation a further provision similar to the one adopted in New York requiring that the number of special test administrations for Sabbath observers equal the number of regular Saturday test administrations.

TUITION TAX CREDITS

S. 528/H.R. 1730 - (Introduced in the 98th Congress) - These bills provide for a credit for 50 percent of tuition expenses paid by a taxpayer for his children attending nonpublic elementary and secondary schools. The maximum credit would be \$100 in the first year after the bill is enacted, \$200 in the second year, and \$300 in the third and subsequent years. The maximum credit amount is phased down for taxpayers with adjusted gross incomes of greater than \$40,000 and no credit is allowed for taxpayers with adjusted gross incomes of \$60,000 or more. To be eligible for the credit, the student must be attending a nonpublic school which does not discriminate on the basis of race.

Position - Agudath Israel strongly supports this legislation for a number of reasons. Indeed, passage of tuition tax credit legislation remains a priority for Agudath Israel.

Parents of nonpublic school students pay rapidly rising tuition while their tax dollars support the public school system. For many working parents, this dual

financial burden is just too great, preventing them from exercising their constitutional right to send their children to the school of their choice.

More importantly, nonpublic schools bring diversity and richness to our educational system, thereby benefiting all our citizens. By educating a significant percentage of American youth, nonpublic schools fulfill an important function in alleviating the burden on the public schools.

Tuition tax credits would help to maintain educational diversity, promote intellectual liberty, and enable parents of a wide socio-economic range to instill in their children the moral and cultural values that they believe are best for their children.

VANDALIZING A HOUSE OF WORSHIP

S. 822, H.R. 1376 and H.R. 2085 - These bills would amend Title 18 of the U.S. Code to make it a federal crime to vandalize a consecrated cemetery, religious school, house of worship, or any other real property used for religious purposes, or any religious article contained therein.

Position - Agudath Israel strongly supports this bill.

Acts of vandalism against religious institutions have increased dramatically in the past few years. Local law enforcement agencies are unable to deal effectively with this problem. Declaring such acts federal crimes would hopefully provide additional manpower and resources to apprehend perpetrators and thereby create a forceful deterrent against would-be vandals.

VOLUNTARISM

H.R. 976 and H.R. 358 - (Introduced in the 98th Congress) - These bills would amend the Internal Revenue Code to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a motor vehicle be determined in the same manner that government employees determine reimbursement for use of

their vehicles on government business (H.R. 976) or at the standard mileage rate used in computing the business expense deduction (H.R. 358).

Position - Agudath Israel supports these bills.

Volunteers may currently deduct nine cents per mile. Both the business expense deduction and the rate at which government employees are reimbursed are twenty cents per mile. Enactment of the legislation would result in more than doubling the amount that volunteers could deduct for use of their passenger automobiles in carrying out volunteer activities.

Although voluntarism remains strong, the rising cost of operating and maintaining a car, the demands upon a volunteer's time, and the need for additional income, prevent many from engaging in activities often only performed by volunteers. These two pieces of legislation would encourage individuals to dedicate a portion of their time to voluntary activities which enhance the quality of life in these United States.

CONSTITUTIONAL CONVENTION

Position - Major efforts are currently underway in many states in connection with the proposal to convene a constitutional convention for the purpose of adopting an amendment to the United States Constitution which would require a balanced budget for the federal government. While Agudath Israel of America naturally supports the efforts of those who are attempting to strengthen our economy, it is concerned that because of the lack of guidance in the Constitution regarding the structure of the convention, attempts may be made to broaden the deliberations at the convention to include matters that have no bearing on economic issues. Delegates to the convention, for instance, could attempt to rewrite the Bill of Rights, other portions of the Constitution, or even the entire document. Such a "run-away" convention could well threaten our basic liberties and our ability to live in accordance with our traditional lifestyle and religious beliefs.

Due to the uncertain nature of the constitutional convention process, Agudath Israel of America strongly urges that steps be taken by the appropriate governmental authorities in preparing for such a convention to ensure that any convention which may be convened be required to focus its attention solely on economic issues and that all citizens of the United States be equally and effectively informed of and represented at any and all of its deliberations.

**Commission on Legislation
and Civic Action**

of

Agudath Israel of America

Agudath Israel of America, founded in 1922, is a broadly based Orthodox Jewish movement with chapters in major communities throughout the United States and Canada. It sponsors a wide range of constructive projects in the field of religion, education, children's welfare, and social action affecting the lives of young and old in far-flung parts of the Americas, Israel and Russia. The organization's leaders include the nation's most respected rabbinic scholars and its constituents consist of a comprehensive coalition of Orthodox Jews from every walk of life.