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MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 17, 1983

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*SUBJECT: Draft "Status of the States"
1982 Year End Report

Richard Darman, at the behest of Elizabeth Dole, has requested comments by close of business January 18 on proposed distribution of a report on the progress of the Fifty States Project. The report consists of a three-page preface, an inventory of efforts at the state level to address perceived problems of gender discrimination, a table indicating the political control of the various state assemblies, a table summarizing state activity in this area, and a list of gender-based terminology. Dole proposes to mail the report, with cover letters (drafts attached), to governors, governors' representatives to the Fifty States Project, state legislative leaders, and chairmen of state women's commissions. The letters would be signed by Dole, except for letters to newly-elected governors, which would be signed by the President. A fact sheet (draft attached) would also be released.

The material in the state-by-state inventory was supplied by the governors' representatives from each state. While there can be no objection simply to reporting what the individual states have reported to the Fifty States Project, many of the reported proposals and efforts are themselves highly objectionable. The California section of the report, for example, points to passage of a law requiring the order of layoffs to reflect affirmative action programs and not merely seniority (contrast our position in the Boston layoff case), and a staggeringly pernicious law codifying the anti-capitalist notion of "comparable worth" (as opposed to market value) pay scales. To cite another example, the Florida section cites a (presumably unconstitutional) proposal to charge women less tuition at state schools, because they have less earning potential. The passage or proposal of state ERA's is also often cited. I think it is imperative that the report make clear (as it presently does not) that the inventory is just that, an inventory, and that proposals appearing in it are not necessarily supported by the Administration.

I see no other legal objections. The draft letter from Dole to the governors contains an error: The last sentence of the first paragraph states that "[a]ll information in the report was provided by your representative or designee," when it should state that "all information in the report was provided by the various governors' representatives or designees" -- one state's representative did not provide all the information in the report.

I have attached a proposed memorandum to Darman for your signature.

Attachment

THE WHITE HOUSE

WASHINGTON

January 18, 1983

MEMORANDUM FOR RICHARD G. DARMAN
ASSISTANT TO THE PRESIDENT

FROM: FRED F. FIELDING
COUNSEL TO THE PRESIDENT

SUBJECT: Draft "Status of the States"
1982 Year End Report

Counsel's Office has reviewed the above-referenced draft report and accompanying materials. Several of the items in the state-by-state inventory of actions taken to redress perceived gender discrimination are highly controversial, questionable as matters of legal policy, and not widely accepted as appropriate responses to problems of gender discrimination. Examples include efforts to legislate theories of "comparable worth," state ERA proposals, proposals concerning abortion, and alterations in seniority rules governing layoffs to accommodate past affirmative action hiring. Accordingly, I consider it important that the Report explicitly state that the items in the inventory do not necessarily have the endorsement of the Administration. It is insufficient simply to acknowledge that the Report is the product of information received from governors' representatives.

I suggest adding the following sentence at the end of the fourth paragraph on the first page of the preface to the Report: "The report is an objective survey of activity at the state level, and the White House does not necessarily support all of the proposals appearing in the report."

The last sentence of the first paragraph in the draft letter to governors erroneously states that the addressee's representative provided all the information in the report. I suggest the following: "All information in the report was provided by the various governors' representatives or designees . . ."

Typographical errors were noticed on page 2 of the preface ("discriminatory") and in the Alabama ("interstate"), California ("effectED"), and New Mexico ("certificate") sections.

FFF:JGR:aw 1/18/83 ✓
cc: FFFielding/JGRoberts/Subj./Chron

WHITE HOUSE CORRESPONDENCE TRACKING WORKSHEET

☐ O - OUTGOING☐ H - INTERNAL☐ I - INCOMINGDate Correspondence
Received (YY/MM/DD) 1 1Name of Correspondent: RICHARD DARMAN/Elizabeth Dole☐ MI Mail Report

User Codes: (A) _____ (B) _____ (C) _____

Subject: Draft 'Statue of the State' 1982
Year End Report

ROUTE TO:

ACTION

DISPOSITION

Office/Agency	(Staff Name)	Action Code	Tracking Date YY/MM/DD	Type of Response	Code	Completion Date YY/MM/DD
CUHolland		ORIGINATOR	83.01.13			1 1
WAT 18		Referral Note:	D 83.01.13		S	83.04.18
		Referral Note:				
		Referral Note:				
		Referral Note:				
		Referral Note:				

ACTION CODES:

A - Appropriate Action
C - Comment/Recommendation
D - Draft Response
F - Furnish Fact Sheet
to be used as Enclosure

I - Info Copy Only/No Action Necessary
R - Direct Reply w/ Copy
B - For Signature
X - Interim Reply

DISPOSITION CODES:

A - Answered
B - Non-Special Referral
C - Completed
S - Suspended

FOR OUTGOING CORRESPONDENCE:

Type of Response - Initials of Signer
Code - "A"
Completion Date - Date of Outgoing

Comments: _____

Keep this worksheet attached to the original incoming letter.

Send all routing updates to Central Reference (Room 75, DEOB).

Always return completed correspondence record to Central Files.

Refer questions about the correspondence tracking system to Central Reference, ext. 2590.

WHITE HOUSE STAFFING MEMORANDUM

13

DATE: 1/13/83 ACTION/CONCURRENCE/COMMENT DUE BY: c.o.b. January 18SUBJECT: DRAFT "STATUS OF THE STATES" 1982 YEAR-END REPORT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	FULLER	☒	☐
MEESE	☐	☒	GERGEN	☒	☐
BAKER	☐	☒	HARPER	☒	☐
DEAVER	☐	☐	JENKINS	☐	☐
STOCKMAN	☐	☐	MURPHY	☐	☐
CLARK	☐	☐	ROLLINS	☐	☐
DARMAN	☐	☒	WILLIAMSON	☒	☐
DOLE	☐	☐	VON DAMM	☐	☐
DUBERSTEIN	☒	☐	BRADY/SPEAKES	☐	☐
FELDSTEIN	☐	☐	ROGERS	☐	☐
FIELDING	☒	☐		☐	☐

Remarks:

May we have your comments on the attached by close of business
Tuesday, January 18.

Richard G. Darman
Assistant to the President
(x2702)

Response:

THE WHITE HOUSE

WASHINGTON

January 13, 1982

MEMORANDUM FOR DICK DARMAN

FROM: ELIZABETH H. DOLE 

SUBJECT: 50 States Project
"Status of the States" 1982 Year-End Report

In conjunction with the other materials in preparation for distribution at mid-term, we intend to provide our "Status of the States" report to a number of key individuals who are critical to the success of the 50 States Project.

Attached is a draft of our "Status of the States" report. The information contained in the report was provided by each Governor's office and approval has been given for release of the information. This document has been reviewed by Rich Williamson's office and approved for distribution. In addition to the above, intend to circulate the following: RR letter to newly-elected Governors; letters from me to previously elected Governors; Governors' representatives to the 50 States Project; state Senate and Assembly leaders and Chairs of the individuals State women's Commissions. A 50 States Project Fact Sheet is also attached in addition to the aforementioned.

Would you please circulate this through your system for clearance by COB Tuesday, January 18? Thank you for your help on this.

OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM

DATE: 3/4/83 ACTION/CONCURRENCE/COMMENT DUE BY: FYI

SUBJECT: Information for Meeting with Republican Congresswomen

	ACTION	FYI		ACTION	FYI
HARPER	☐	☒	DRUG POLICY	☐	☐
PORTER	☐	☒	TURNER	☐	☐
BARR	☐	☒	D. LEONARD	☐	☐
BLED SOE	☐	☐	OFFICE OF POLICY INFORMATION		
BOGGS	☐	☐	HOPKINS	☐	☐
BRADLEY	☐	☐	PROPERTY REVIEW BOARD	☐	☐
CARLESON	☐	☐	OTHER		
DENEND	☐	☐	Red Caveney	☐	☒
FAIRBANKS	☐	☐	B. Oglesby	☐	☒
FERRARA	☐	☐	Jim Cicconi	☐	☒
GALEBACH	☐	☐	Bill Lacey	☐	☒
GARFINKEL	☐	☐	Joanna Bistany	☐	☒
GUNN	☐	☐	Judy Pond	☐	☒
B. LEONARD	☐	☐	Ken Cribb	☐	☒
LI	☐	☐	Nancy Risque	☐	☒
MONTOYA	☐	☐	✓ John Roberts <i>112</i>	☐	☒
ROCK	☐	☐		☐	☒
ROPER	☐	☐		☐	☒
SMITH	☐	☒		☐	☒
UHLMANN	☐	☒		☐	☒
ADMINISTRATION	☐	☐		☐	☒

REMARKS:

THE WHITE HOUSE

WASHINGTON

March 4, 1983

MEMORANDUM FOR EDWIN HARPER
MIKE UHLMANN
BILL BARR
RED CAVENEY
B. OGLESBY
JIM CICONI
BILL LACEY
JOANNA BISTANY
JUDY POND
KEN CRIBB
NANCY RISQUE
JOHN ROBERTS

FROM: EMILY ROCK *ERH*

SUBJECT: Information for Meeting with Republican Congresswomen

Please find attached draft talking points prepared by Barbara Selfridge for Ken Clarkson of OMB.



EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF MANAGEMENT AND BUDGET

WASHINGTON, D.C. 20503

March 4, 1983

*Emily,
As requested
Ken*

MEMORANDUM FOR: KEN CLARKSON

FROM: Barbara Selfridge **BS**

SUBJECT: Information for Meeting with Republican Congresswomen

Attached is information for the President's meeting with Republican Congresswomen. We have dealt with all the issues raised in their letter, with the exception of the ERA. Because we had to provide the material in such a short time frame, it is not as tactfully worded as it might be and would benefit from a political spin. However, we have covered a lot of the substance, and I assume our contribution will be meshed with others Harper is collecting.

The incoming letter is now a month old, and it may well be that the Congresswomen will be loaded for bear on other topics. You may want to consider suggesting that the President go through the items in their letter as one means of controlling the agenda.

Among the major points we would suggest be underlined in the meeting are the following:

- ° Economic growth and strong child support information are most critical to many women's well-being and the Administration is moving forcefully in these areas.

- ° A great deal has already been done which benefits women, and the Administration needs the Congresswomen's support in letting the public know this, as the gender gap stems in part from incorrect perceptions.

- ° Well intentioned initiatives benefiting women have to be considered in the light of other important priorities, such as economic growth and the Administration commitment to Federalism principles.

Attachment

Congresswomen's Proposal

That the Administration endorse the Economic Equity Act (EEA) and the concepts embraced in it, particularly measures to remedy pension inequities and child care burdens.

Background

EEA was developed by Senator Durenberger and co-sponsored by 12 Republican Senators and the 97th Congress. Several significant provisions of the bill were enacted in the last session (see attachment). No bill has yet been introduced in the 98th Congress.

Talking Points

The Administration is extremely concerned about equity in pension programs because it affects the standard of living for millions of women and men in their retirement years.

- ° Since June 1982, a working group of the Cabinet Council on Legal Policy has devoted an extraordinary amount of time and effort to analyzing the extremely difficult and complex legal, actuarial and economic questions involved in equal private pension plan benefits. In addition to the efforts of dozens of staff members, the working group, chaired by the Solicitor of Labor, has met about 20 times to debate and discuss the issues.

- These efforts provide the basis for the Administration's legislative proposal to remedy inequities based on sex discrimination in employer pension systems, promised for delivery before the end of the year in the State of the Union Address.

- They already have resulted in a Department of Justice memorandum filed in support of a petition to the Supreme Court for review of the Spirt case. The Government took the position that the employer in question violated Title VII of the Civil Rights Act of 1964, prohibiting sex discrimination in employment, by its use of sex-based actuarial tables resulting in unequal pension benefits to males and females.

- ° In addition, the 1984 budget contains several new initiatives long sought by women's groups, which would expand Social Security benefits. Under these proposals developed by the National Commission on Social Security Reforms:

- Divorced spouses could receive benefits even if their insured former spouse chose not to retire.

- Widowed divorced spouses would not lose their benefits upon remarriage.

- Benefits for disabled widow(er)s between the ages of 50 and 60 would be raised to the levels now provided to disabled widow(er)s 60 years old and older.

-- Benefits for survivors widowed at a relatively young age would now reflect economy-wide gains in real income from the time of the worker's death as well as gains before that time.

The Administration also recognizes the importance of child care, reflected in the President's strong support for the Economic Recovery Tax Act which:

- ° Raised the tax credit for dependent care from a flat percent to a progressive, sliding percentage of adjusted gross income, with the result that \$1.8 billion in tax expenditures will be devoted to dependent care in 1984.

- ° Allows employees to exclude the value of employer-provided child care services from taxable income.

As the economy goes into a period of recovery, employers can be expected to provide additional child care services. Moreover, as real wages once again begin to rise, women who have been forced into the labor market to help buttress eroding family incomes will once again be freer to stay at home and care for their children.

Increased child care availability will also be enhanced by a variety of 1984 budget proposals.

- ° For example, under the mandatory Community Work Experience Program proposed for Food Stamps and AFDC, participants will work in programs providing child care, increasing its availability to working parents.

- ° Similarly, the proposed major expansion of the college work-study program will allow significant increases in the numbers of students providing child care services.

The Administration, of course, will carefully consider other measures to improve pension inequity and relieve child care burdens. These measures, however, must be considered in light of the need to continue to encourage recovery, investment and employment and to limit Federal Government to its appropriate role.

- ° Measures which significantly increase costs to employers or the Federal Government could abort the recovery now underway, denying jobs to millions of women in or entering the labor force and forcing others who would choose to work in the home to enter into paid employment.

- ° Measures which remove freedom of choice from married couples in deciding how best to meet their retirement needs or which involve Federal intrusion into domestic relation matters normally reserved to the States would also cause us concern, given our commitment to family responsibility and Federalism.

ECONOMIC EQUITY ACT PROPOSALS ENACTED BY THE 97th CONGRESS

- ° Rules on Individual Retirement Accounts (IRAs) made by the Economic Recovery and Tax Act of 1981 (ERTA).

- Allows employees who participate in employer-provided pension plans to set up IRAs.

- Allows a divorced spouse to include alimony for contribution to an IRA established by a former spouse.

- Raises the maximum contribution for earners from \$1,500 to \$2,000.

- Raises the joint contribution for one-earner married couples from \$1,750 to \$2,250 and eliminates the requirement that contributions be split evenly between the worker and the spouse.

- ° Changes in military retirement benefits available to ex-spouses made in the Military Authorization Bill.

- Allows Defense Department to make military retirement payments to an ex-spouse in accordance with awards made by a State court. (The Civil Service Retirement System already allows OPM to make payments to ex-spouses.)

- Permits military personnel to voluntarily designate an ex-spouse as a beneficiary under the Survivor's Benefit Plan (SBP).

- Permits military medical care and commissary privileges for ex-spouses married to a service person during at least 20 years of creditable service.

Legislation on dependent care tax credits also was enacted by the 97th Congress. These provisions are outlined in the talking points.

Congresswomen's Interest

Measures to enforce child support responsibilities.

Background

Under the Child Support Enforcement (CSE) program, HHS provides funds for State and local administrative expenses incurred in establishing paternity and in collecting support payments from legally liable absent parents.

Talking Points

The President's FY 1984 budget includes landmark proposals to improve the CSE program. Reforms proposed would increase total collections and the cost-effectiveness of the collection process in several ways:

- ° As a condition of continuing to receive Federal support, States would be required to have in place laws and procedures which facilitate collections. Examples include mandatory wage assignments; State income tax refund offsets; and use of selected administrative and quasi-judicial, rather than time consuming and cumbersome, judicial procedures.

- ° States would receive financial incentives for increasing collections. These incentives would take into account collections on behalf of all parents with children in their care, not just AFDC applicants, who are the focus of this program.

- ° States would be required to obtain medical support from absent parents through private (employers') insurance plans, thus making Medicaid in AFDC cases the payor of last resort.

The reforms will result in total support collection of \$1.8 billion in 1984, slightly less than half of which will be from AFDC parents.

Congresswomen's Proposal

A Commission be created to study the problem of wage discrimination by sex and to develop specific legislative proposals to reverse it. They predicate their proposal on the success of the recent National Commission on Social Security Reform (NCSSR) in coping with little complex demographic and economic problems. They also believe action is imperative because of the new "feminization of poverty."

Talking Points

- ° The NCSSR was unusual in several respects.

-- Through complex, Social Security is fundamentally a government tax and transfer program. Hence, its solvency remedies are simple to delineate, if not always easy to enact. In contrast, wage discrimination by race, sex or other criteria involves interactions and outcomes within a complex national economy grounded in the private sector.

-- Through successive quadrennial advisory councils, annual trustee reports, and other means, an analytic consensus had developed about the facts and causal factors underlying Social Security problems. What remained was the necessary political consensus, which the political membership of the NCSSR provided. In contrast, informed opinion remains divided about the degree to which wage differences between men and women follows from invidious discrimination, as such, as opposed to differences in the ways family responsibilities traditionally have been shared and traditional differences in education and occupational choices.

- ° Under existing laws both the courts and the civil rights enforcement agencies not only are redressing individual cases of discrimination, but also are forcing large employers with internal, articulated classification systems to review and purge their job classification schemes of historical sex biases.

- ° While additional Federal action might be desirable, establishment of a commission carries the inherent danger of capture by advocates of "equal pay for work of comparable worth." The 1980 Republican Platform Study opposed this concept, which would move the American economy from one based on private enterprise to one based on government prescription.

- ° The "feminization of poverty" is a complex phenomenon:

-- As two-parent families increasingly have moved out of poverty because of economic growth, families remaining in poverty increasingly are one-parent, usually female-headed, households. Single earners can produce less household earnings and are more constrained by family responsibilities from maximizing their income. Economic growth, vigorous enforcement of child support responsibilities and effective child care provision are key steps to eliminating poverty in one-parent households, and the Administration is moving forcefully on all these fronts.

Follow-up Option

- ° The already existing National Commission on Employment Policy and its staff could be tasked to synthesize the research on this subject, catalog the various enforcement activities throughout government at all levels, and assess options for change.

Congresswomen's Proposal

That special attention be directed to the issues of occupational segregation and wage discrimination in any new and existing programs; specifically, that new programs to stimulate math and science education contain assurances for women, that any jobs programs contain a special component for women, and that grants to States for dislocated workers include displaced homemakers as eligible recipients.

Talking Points

The Administration understands your concerns and will be alert to them as we review new initiatives and examine existing programs. There may well be opportunities for gains in this area.

In the course of these considerations, however, we must take into account factors such as the purposes of the program or initiative, as well as the extent to which other programs meet the needs you are interested in addressing. For example:

- ° The needs of displaced homemakers can best be met through other provisions of the new Job Training Partnership Act, rather than through the dislocated workers title:

- The intent of this title of JTPA is to assist experienced workers who find their jobs terminated or skills outmoded due to plant closings, technological developments, or other structural causes. It was deliberately drafted and narrowly targeted to help experienced workers or local communities that have been or are expected to be affected by major shifts in demand or other events outside their control which cause plants to close, workers to lose jobs, and tax bases to erode. Resources for this program are primarily allocated to States by a formula based on unemployment.

- ° Other provisions of JTPA do provide for displaced homemakers.

- Under the required annual coordination plan, governors could target vocational education, public assistance resources, and employment services toward displaced homemakers as a group requiring special assistance.

- The JTPA specifically cites displaced homemakers as one of the groups that are not necessarily economically disadvantaged upon whom 10 percent of the program's resources may be spent.

- The new act also makes special provision for displaced homemakers in multi-State national programs and in pilot projects designed to eliminate employment barriers faced by these women.

Congresswomen's Proposal

That the Women's Educational Equity Act Program be fully funded and vigorously administered.

Background

WEEA is one of many small Federal categorical project grant programs in the Education Department. The purposes of WEEA are to provide educational equity for women and financial assistance to enable educational agencies and institutions to meet the requirements of Title IX of the Education Amendments of 1972. (Title IX prohibits discrimination based on sex under any education program or activity receiving Federal financial assistance.) The Administration has proposed that WEEA be phased out by 1984.

Talking Points

- ° Regardless of the relative merit of individual projects funded under WEEA and similar categorical programs, as a group they represent a lower priority use of scarce Federal resources than, for example, compensatory education programs. Given limited resources and WEEA's narrow purposes and relatively low priority, the Administration has proposed that it be phased out by 1984.

- ° The same and similar activities, however, can be funded by States under the State Education Block Grant, for which the Administration is requesting the same level of funding in FY 1984 as is available in FY 1983 (\$451 million).

- ° Other programs also promote educational equity for women. For example, under Federal law each State must have a "sex equity coordinator" who operates as an ombudsman to assure that occupational stereotyping does not take place in the operation of the State's vocational education program.

- ° In addition, the Commission on Civil Rights plans to conduct a major hearing in calendar year 1983 on Title IX, highlighting Federal interest in enforcement of this law.

Congresswomen's Concern

That further cuts in Child Nutrition, Food Stamps and AFDC will have their greatest impact on women, particularly women who are maintaining families.

Talking Points

It is critical to emphasize that 1984 savings proposals will have little or no effect on typical beneficiaries.

- ° In the major entitlements designed to meet the needs of the poor -- AFDC, SSI, Medicaid, Food Stamps, and free and reduced price lunches -- 80 percent of the savings in the budget reflect efficiency improvements and reduction of payment errors.

- ° In Food Stamps, States will be held accountable for payment error rates over three percent, and complex deductions and eligibility provisions which lead to much of the current error and waste will be simplified. Benefit reductions associated with these simplifications account for only 25 percent of the savings proposed and are spread across so many beneficiaries that their impact on each is small. The effect of a simpler standard deduction on an average beneficiary will be less than \$6 a year.

- ° AFDC savings reflect increased effectiveness of the Child Support Enforcement system and improved work opportunities through a mandatory Community Work Experience Program, as well as targeted reforms which will not effect the average beneficiary at all.

- ° No changes are proposed for free lunches, which will remain costless to poor children. The freeze on indexing reimbursements for six months would add less than two cents to the cost of an average meal for higher income families if States or school districts do not absorb these costs.

- ° The WIC program (feeding program for Women, Infants and Children) would be continued at the 1983 level in 1984.

- ° The Administration has proposed that three small nutrition programs -- Summer Feeding, Child Care Feeding, and School Breakfast -- be consolidated into a simplified grant to the States. The proposed 15 percent reduction in funding represents savings in administrative expenses and waste and should not affect adversely the benefits actually received. Funding for nutrition programs in family day care homes was excluded from the consolidation, for evidence exists that it was not serving a needy population; States, of course, would have the option of using funding for this program under the new nutrition grant. In addition, resources have been added to Headstart, reflecting the transfer to that program of some Child Nutrition responsibilities.

In the last analysis, the creation of substantial job opportunities and vigorous enforcement of child support responsibilities are the best means to help low-income women and children in poverty. Jobs and regular child support payments are, by any standard, preferable to AFDC and Food Stamps. The Community Work Experience initiative in AFDC and training services under the Job Training Partnership Act (JTPA) will help women get ready for jobs in the private sector as the economy rebounds. The new JTPA requires targeting on low-income individuals and equitable treatment of AFDC recipients in services provided under its programs.

STATUS OF PROPOSALS IN 97th CONGRESS ECONOMIC EQUITY ACT

<u>Section</u>	<u>Proposal</u>	<u>Status</u>
<u>TITLE I -- TAX AND RETIREMENT MATTERS</u>		
101	Permit non-working spouse to set up own IRA.	Accomplished in 1981 ERTA.
102	Prohibit waiver of survivor benefits in ERISA plans unless spouse agrees.	CCLP Working Group endorses.
	Require ERISA plans to pay survivor benefits if participant dies after 10 years service.	CCLP Working Group opposes.
103	Provide that pensions can be assigned by divorce courts.	CCLP Working Group endorses.
104	Lower required participation age for ERISA plans from age 25 to age 21.	CCLP Working Group endorses.
105	Require retirement plans to count maternity leave for purposes of vesting and benefits.	CCLP Working Group endorses modified version.
106	Increase zero bracket amount for heads of household to equal married couples.	Under review by CCEA.
107	Entitle former military spouses who were married for at least 10 years the right to pro rata share of pension benefits.	Partly accomplished by statute in 1982. No strong support in CCLP Working Group on further change. DOD strongly opposed.
108	Entitle former civil service spouses who were married for at least 10 years the right to pro rata share of pension benefits.	No support in CCLP Working Group.

109	Extend targeted-jobs tax credit for five years and make "displaced homemakers" eligible hirees.	Under review by CCEA.
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TITLE II -- DAY CARE PROGRAM

201	Increase child care credits.	Accomplished in 1981 ERTA.
202	Allow employers to provide child care assistance as tax-free fringe benefit.	Incentives for private sector child-care accomplished in 1981 ERTA.

TITLE III -- ARMED FORCES

301	Eliminate numerous sections in the U.S. Code which make sex-based distinctions in recommending promotion of Naval and Marine officers, removing officers from active duty, distributing assets of deceased members of Army and Air Force.	Largely subsumed in DOD review pursuant to Task Force on Legal Equity for Women.
302	Require annual DOD report on status of women.	Army has completed 15-month study.

TITLE IV -- ESTATE TAX ON AGRICULTURAL PROPERTY

401	Raise estate tax exemption from \$175,000 to \$600,000.	Accomplished in 1981 ERTA.
402	Make it easier for agricultural properties to qualify for lower estate taxes.	Relief for agricultural properties provided in 1981 ERTA.

- | | | |
|-----|--|-----------------------|
| 403 | Reduce the interest rate charged by IRS on deferred farm estate tax payments. | Under review by CCEA. |
| 404 | Eliminate FmHA provision apparently favoring married individuals with dependents in its lending. | Under review by CCEA. |

TITLE V -- NON-DISCRIMINATION IN INSURANCE

- | | | |
|--------------|---|---|
| 501 -
511 | Declare a national policy to prohibit discrimination in insurance. Ban the use of gender-based mortality tables or other sex-based distinctions in <u>any form of insurance</u> . | CCLP Working Group consensus on <u>pensions</u> only. |
|--------------|---|---|

TITLE VI -- REGULATORY REFORM

- | | | |
|--------------|--|---|
| 601 -
602 | Directs review of federal regulations to ensure sex neutrality. Strengthens presumption that Code reference to one gender applies to both. | Regulatory aspects accomplished by Executive Order. |
|--------------|--|---|

TITLE VII -- ALIMONY AND CHILD SUPPORT

- | | | |
|-----|--|---|
| 701 | Require DOJ to study appropriate federal role in alimony, child support enforcement. | Program to strengthen child support enforcement has been implemented. |
|-----|--|---|

CHILD SUPPORT ENFORCEMENT

In 1975, Congress established the Child Support Enforcement Program. This program locates absent parents, establishes paternity, and establishes and enforces child support orders. AFDC recipients are required to assign their child support rights to the state; the state collects child support payments from the absent parent; recoveries are divided between the state and federal governments to offset their contribution to the AFDC payments. The program also helps families who do not receive AFDC to obtain child support. The federal government pays much of the administrative costs of the program and also provides support services, policy direction, and technical assistance.

This Administration has taken steps to strengthen and improve the Child Support Enforcement Program:

- o The Administration will shortly propose legislation that will strengthen the program. The legislation will encourage greater efforts by the states by directly linking administrative funding to the state's performance record and by the payment of incentive awards. In addition, the legislation will facilitate collection by requiring states, in both inter- and intrastate cases, to adopt (1) an administrative process to enforce child support orders; (2) provisions for mandatory wage assignment; and (3) provisions for collection through offsetting state income tax returns.
- o The Administration has created an interagency working group under the Cabinet Council on Legal Policy to strengthen federal enforcement assistance, particularly parent locator and collection activities. The working group has already implemented several improvements:
 - HHS's ability to provide absent parent locating information has been upgraded by automating the records of agencies (e.g., the Veterans Administration) where name checks had previously been done manually. In addition, HHS has been given access to (on a test basis) substantial new federal records that have not previously been available to locate absent parents: Selective Service records; the Service Benefit Life Insurance files of the Veterans Administration; the current payroll files for all federal employees, rather than the stale information previously provided by the National Personnel Records Center; the current DOD payroll files for all services, rather than the stale personnel records provided in the past; the National Guard and Ready Reserve files of DOD.

- The ability of the IRS to make collections through offsets to tax refunds has been upgraded. Case submissions have been increased and, through automation, the lead time needed by the IRS to make an offset has been significantly reduced.
- o The Administration has launched an intensive urban assistance program. Collections have been significantly increased by the infusion of technical assistance into major urban areas where collections had previously been a problem. So far, this program has been put into effect in Chicago, Detroit, St. Louis, Baltimore, San Francisco, and New Orleans.
- o HHS's Office of Child Support Enforcement has changed the way in which the federal government audits state and local child support programs. Instead of merely looking to see if the elements of the program are in place, as in the past, HHS now focuses on the performance and results of the program.
- o The Administration has increased the level of federal financial assistance to states seeking to establish the automated systems necessary for a child support enforcement program.
- o The 50 States Project is developing a program to encourage states to enact legislation that will improve the local child support enforcement program. The program developed will be based, in large part, on a 1981 study done by the National Conference of State Legislatures.
- o In mid-February, Jack Svahn, the newly-named Undersecretary of HHS, wrote to all the Governors advising them of administrative actions they could take to improve their local child support enforcement program.
- o HHS has taken steps to expand the knowledge base in the child support area. It recently awarded three research grants for studies on interstate enforcement problems and problems relating to the establishment of paternity. In addition, at HHS's request, the Census Bureau solicited child support information in its April 1982 Current Population Survey.
- o The Administration has taken steps to ensure that absent parents will provide medical support to their children. HHS has adopted regulations ensuring that, when an absent parent is located for child support purposes, the information is also provided to the Medicaid office, which, in turn, requires the absent parent to use any employer-provided health insurance coverage to pay medical benefits to his children.

CHILD CARE

The Administration has taken several initiatives in the child care area:

- o The Economic Recovery Tax Act of 1981 substantially increased child care tax credits to working parents and provided that employer contributions for child care are not taxable to employees.
- o The Administration has started a program to encourage employers to provide child care services. The Women's Bureau of the Department of Labor, in conjunction with the Rockefeller Foundation and the Ford Foundation, is funding four demonstration projects to induce employers to provide daycare services for working women. Final reports are due by October 1983. The types of services include daycare vouchers, employer-provided on-site daycare, educating the employer about tax incentives, etc.
- o The Private Sector Initiatives Office has initiated a program to encourage private sector daycare. The program is directed at industry and seeks to promote the demonstration projects developed by the Women's Bureau.
- o The 50 States Project has started a program to identify unnecessary state and local restrictions that inhibit private child care and to encourage local governments to relax these restrictions.
- o The Administration is encouraging states to use workfare programs and work-study programs to provide child care. This will involve using able-bodied welfare recipients to provide low-cost child care for other workfare recipients and for low-income working people and the use of college students to provide child care on college campuses or in neighboring communities.



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ALERT

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LEGAL EQUITY FOR WOMEN

Analysis

- o The U.S. Constitution and federal law already provide extensive guarantees of equal treatment for women.
- The Supreme Court has ruled that the Fifth and Fourteenth Amendments prohibit state and federal actions that discriminate against women.
 - * Distinctions based on sex are permitted only where they are reasonable, narrowly drawn and "substantially related to an important governmental objective."
 - * Under this standard the courts have struck down sex-based distinctions that disfavor women while upholding those that benefit women.
- In addition to these Constitutional safeguards, Congress, since the early 1960s has enacted more than 30 laws that ensure equal rights for women. These include:
 - * The Equal Pay Act of 1963, which prohibits discrimination on the basis of sex in the payment of wages for equal work in jobs that require equal skill, effort, and responsibility, and that are performed under similar working conditions.
 - * Title VII of the Civil Rights Act of 1964 (as amended by the Equal Employment Act of 1972), which prohibits sex discrimination in employment with regard to hiring, job classification, promotion, compensation, fringe benefits, and termination.
 - * The Revenue Act of 1971, which provides for the deduction of child care and household service expenses from federal income tax returns, if such services are necessary to enable the taxpayer to be gainfully employed.

- * The Higher Education Act of 1972, which prohibits sex discrimination in education programs that receive federal support, and extends the Equal Pay Act to all educational institutions.
- * The Small Business Act of 1973, which prohibits the SBA from practicing sex discrimination against any person or small business concern.
- * The Equal Credit Opportunity Act of 1974, which requires financial institutions and firms engaged in the extension of credit to make credit available without discrimination based on sex or marital status.
- o The Reagan Administration is committed to preserving, upholding, and extending these guarantees.
 - As a candidate for President, Ronald Reagan promised to "advance, guarantee, and promote equal rights for women."
 - Since assuming office, President Reagan has launched two major initiatives to redeem this pledge:
 - * The President created a Task Force on Legal Equity for Women on December 21, 1981, to identify federal laws and regulations that discriminate against women.
 - The work of the Task Force led to the introduction last October of the Federal Equity Act, which is designed to correct such discriminatory language in the U.S. Code. The bill was reintroduced in the present Congress early in 1983.
 - The Task Force plans to complete its review by April 1984.
 - * The 50 States Project is an ongoing effort through which the President works directly with the governors and legislators of the 50 states to assist them in correcting state laws and regulations that discriminate against women.
 - Each of the 50 governors has designated a representative from his office to coordinate efforts with the White House.
 - The 50 States Project has developed a four-step approach to correcting sex discrimination:
 - a) A statute search to uncover discriminatory laws.
 - b) Corrective legislation to amend these laws.
 - c) Revision of rules and regulations made pursuant to discriminatory laws.
 - d) A monitoring system to track the results of corrective legislation.

- The Administration will assist the states in implementing this approach through such devices as an information clearinghouse on work being performed in the various states.
- President Reagan has undertaken further efforts to promote legal equity for women.
 - * President Reagan signed into law a measure designed to correct certain unintended sex-based inequities in the social security system. These corrections make it easier for divorced or surviving spouses to qualify for benefits.
 - * The Administration is also working to ensure equity in pension benefits while preserving the financial solvency of pension plans.
 - Because women as a group live longer than men, pension plans typically employ sex-based actuarial tables.
 - Although lump-sum benefits are generally equal, when payments are annuitized women receive smaller periodic payments.
 - President Reagan will be proposing legislation later this year to correct this inequity.
 - Meanwhile, the Department of Justice has filed a brief in a federal case on this issue (Spirit v. TIAA/CREF and Long Island University), urging the Supreme Court to apply Title VII of the Civil Rights Act to this area of the law.
- o The President has taken other significant steps on behalf of women.
 - President Reagan has appointed more women to serve in top policy-making positions than the previous administration had appointed during a comparable time period -- 9% more.
 - * These include Sandra Day O'Connor, the first woman in history to serve on the U.S. Supreme Court; Jeane Kirkpatrick, Ambassador to the United Nations; Elizabeth Dole, Secretary of Transportation; and Margaret Heckler, Secretary of Health and Human Services.
 - * The President has appointed women to head the Peace Corps, the Consumer Product Safety Commission, and the U.S. Postal Rate Commission. He was also the first to appoint a woman to be Director of Presidential Personnel.
 - President Reagan has proposed effective new measures to ensure that absent fathers pay child support.
 - * At the present time, less than half of all women who have been awarded child support are receiving the full amount due them; 28% are receiving nothing.

- * The Administration has proposed to restructure federal aid programs to give state and local governments an increased incentive to upgrade their efforts at collecting child support payments.
- The President is working to encourage greater private sector provision of child care for working women.
- * The 1981 Economic Recovery Tax Act increased tax credits for child care, and provides that employer contributions for childcare are not taxable to employees.
- * In conjunction with the Rockefeller Foundation, the Women's Bureau in the Department of Labor is funding four demonstration projects to encourage employers to provide day-care services for working mothers.
- * States are permitted to fund day-care centers with the monies they receive from the Social Services Block Grant.
- * Through the 50 States Project, the Administration is helping states identify and eliminate barriers to private sector provision of child care.
- o The Reagan Administration's efforts to secure legal equity for women constitute a better approach to the problem than the Equal Rights Amendment.
- Although any discussion of the potential impact of the ERA is necessarily conjectural, there is good reason to believe that American women would suffer a net loss of rights if the amendment were ratified.
- * Distinguished constitutional scholars, including former Senator Sam Ervin and Professor Philip Kurland of the University of Chicago Law School, have warned that the amendment could force the elimination of all legal distinctions whatsoever between the sexes, even where the distinctions were reasonable, favorable to women, and supported by the majority of Americans.
- * The ERA could well invalidate laws requiring men to support their wives and children, laws expressly designed to protect women in the workplace, and the exemption of women from the military draft and combat service.
- ERA would greatly increase the ability of the courts to make law through the guise of interpreting it.
- * At the very least, all sex-based distinctions would have to be examined anew by the federal courts.

- * Precisely because of the widespread disagreement and uncertainty over the meaning of the ERA, even among legal scholars, the courts would be free to choose from a wide variety of interpretations that might or might not have been intended by Congress or the state legislatures.
- * In fact, ERA would be an open invitation for courts to strike down sex-related distinctions, whatever their merits or effect.
- * Thus, the least democratic branch of government would be free to institute sweeping social changes, and the public would have no effective means of curbing this judicial activism.

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