

February 20, 1976

P R O G R E S S R E P O R T

STATUS OF ITEMS ON THE 1975-76 NATIONAL LEGISLATIVE PLATFORM

ACTION ITEMS

CONSTITUTIONAL AMENDMENT: Four more states are needed to ratify. ERA is still pending in Illinois. Although a number of state legislatures are in session this year, only three unratified states -- Louisiana, Mississippi, and Virginia -- have new legislatures. ERA appears to be dead this year in Virginia. State ERA's were defeated in New Jersey and New York. This does not change their earlier ratification of the federal Equal Rights Amendment. ERAmerica, an umbrella organization set up to coordinate the activities of pro-ERA groups, has opened offices in Washington, D.C.

ITEM 1(a). The Title IX regulations to implement the equal educational opportunity provisions of the Education Amendments of 1972 took effect last July. H.R. 8395 (O'Hara) would exempt revenue-producing sports from Title IX coverage and also would permit separation of students by sex in physical education classes. Hearings have been held on S.2106 (Senator Tower), which would exempt certain intercollegiate athletics from Title IX. Passage of these bills plus others which would narrow the scope of Title IX would mark the first retreat in any women's rights legislation enacted by Congress. Attempts can be expected to append such bills to Higher Education legislation.

Congress overrode President Ford's veto and passed the education appropriations bill (Public Law 94-94), which appropriates about \$6 million for the Women's Educational Equity Act. Proposed regulations for implementation have been issued.

Processing has already begun to admit women to the U.S. military academies and to the Coast Guard academy starting in the Fall of 1976.

Senator Mondale has introduced S.2603, which would amend the Vocational Education Act to assure equal educational opportunities in vocational education programs for individuals of both sexes. The bill would affect vocational counseling, curriculum development, and materials, as well as research and training.

ITEM 1(b). Proposed procedural regulations for civil rights enforcement by the Department of Health, Education and Welfare were issued last June. They would apply to such laws as Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the sex discrimination sections of the Public Health Service Act. Many groups, including BPW, are greatly disturbed by these proposals and are concerned that they will discourage investigations of individual complaints, thus weakening the force of the law. BPW has submitted a statement urging that the proposed regulations be withdrawn.

The Equal Employment Opportunity Coordinating Council is charged with developing an overall federal policy regarding equality in employment-related pension benefits. BPW wrote a letter to President Ford, with copies to the various federal agencies participating in the Council, urging support for equal periodic pension benefits and equal employer contributions for men and women. A decision should be reached sometime this Spring.

BPW has written the Federal Communications Commission urging that they not change rules which require broadcasting stations having five or more employees to

file equal employment opportunity plans. FCC's proposal would require only stations with 10 (or 15) employees to file, thus eliminating many smaller stations where women get their start in broadcasting.

H.R. 3241 (Holtzman) would amend the Fair Labor Standards Act to narrow the circumstances under which employees subject to that Act may be paid wage differentials based on sex. Rep. Holtzman's bill was introduced following an appeals court decision (which the Supreme Court refused to review) in Hodgson v. Robert Hall Clothes that permitted the payment of different salaries to men and women based on the "other factors" claim that the sale of men's clothing was more profitable.

A suit charging failure to enforce federal laws prohibiting sex discrimination in educational institutions (both in employment and in programs and policies) has been filed in federal court against the Departments of Labor and HEW by the National Education Association, NOW, WEAL, the Federation of Organizations for Professional Women, and the Association of Women in Science. The suit is the first of its kind to challenge an overall pattern or non-enforcement in education against the government.

The Supreme Court has heard oral arguments in the Liberty Mutual Insurance Co. and General Electroc Co. cases which concern whether or not the exclusion of pregnancy-related disabilities from insurance plans violates Title VII. The Court's ruling is expected before June, and will affect thousands of employees.

The Supreme Court has overturned a Utah Supreme Court ruling that denied unemployment compensation benefits to pregnant women 12 weeks before expected childbirth and six weeks after delivery. The Court said that "it cannot be doubted that a substantial number of women are fully capable of working well into their last trimester of pregnancy and of resuming employment shortly after childbirth." In fact, Mrs. Turner, who filed the suit, had indeed worked intermittently during that period.

The Labor Department has filed the first suit on behalf of a domestic worker under the Fair Labor Standards Act. The suit alleges that an employer failed to pay the minimum wage and failed to keep required records on employment of a domestic in her household. Domestic workers were covered for the first time under FLSA in 1974.

ITEM 1(c). A number of bills have been introduced to eliminate various Social Security Act discriminations so as to make benefits for husbands, widowers, and fathers on the same basis as those for wives, widows, and mothers, and to provide payments of benefits to a married couple on their combined earnings record where that would provide a higher combined benefit. These include H.R. 1938 (Matsunaga), H.R. 3005 (Heckler), H.R. 4357 (Abzug), S.277 and S.278 (Tower, Domenici, and Humphrey), S.1220 (Inouye), and S.1729 (Bayh).

Last year the Supreme Court held unanimously in Weinberger v. Wiesenfeld that the government engages in unconstitutional sex discrimination by granting certain Social Security benefits to widows but not to widowers. This case involved a young widower who was granted benefits for his infant son but denied personal benefits. Widows would automatically have received both benefits.

ITEM 1(d). The Equal Credit Opportunity Act's prohibitions against discrimination on the basis of sex or marital status with respect to any aspect of a credit transaction took effect on October 28. The Federal Reserve Board issued final regulations which were much better than the second set of proposals to which BPW and other women's groups objected so strongly. Enforcement is divided among the Federal Trade Commission, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and other agencies, depending on jurisdiction. Copies of the final regulations are available from the Federal Reserve Board, Washington, D.C. 20551.

(more)

A number of bills have **been** introduced to provide a remedy for sex discrimination by the insurance business with respect to the availability and scope of insurance coverage for women. They include H.R. 158 (Abzug), H.R. 520 (Holt), H.R. 555 (Koch), H.R. 1067 (Sullivan), H.R. 1310 (Holtzman), and H.R. 4354 (Abzug and others).

Both the House and the Senate have passed versions of a bill which would amend the 1974 Equal Credit Opportunity Act (Public Law 93-495) to outlaw credit discrimination on the basis of age, race, color, religion, or national origin.

ITEM 2. On December 4 the House passed H.R. 10612, a tax law overhaul resulting from the first phase of House Ways and Means Committee hearings. This bill would replace the existing itemized deduction for child care with a 20 percent tax credit for child care or other expenses within or outside the home necessary to allow individuals to work. The bill is now before the Senate Finance Committee.

Hearings on Phase II of tax legislation, which will include tax treatment of single persons and married couples, have been delayed until later this year. A great number of bills have been introduced concerning inequities facing single persons and married couples where both are employed. One of the prime sponsors in the House is Rep. Koch, and there are more than 130 co-sponsors for such legislation. Major bills in the Senate are S.93 (single taxpayers) and S.149 (married taxpayers).

ITEM 3. Major Child and Family Services bills have been introduced in both houses (H.R. 2966 and S.626) and joint hearings have been completed. This legislation calls for voluntary participation, parental involvement at every stage of planning and implementation, coverage of children in all socio-economic groups, development of a variety of programs and services, and heavy emphasis on the quality of service. It is based on the premise that there is need to build on and strengthen the role of the family as the primary influence on children, with services provided only to those who request them. BPW submitted a statement pointing out the need for child and family services legislation.

In recent months, a major propaganda campaign against the Child and Family Services Act has appeared in some parts of the country. Hundreds of flyers (source unknown) have appeared which falsely state what the proposed law will and will not do. In some areas, this has resulted in newspaper articles and letters to the editor against the bill. Several Members of Congress have prepared position papers countering these false claims. For further information, please contact BPW's Legislation Department.

ITEM 4. In October, the House passed H.R. 8617, a bill to amend the Hatch Act, by a vote of 288 to 119. The Senate Post Office and Civil Service Committee held hearings on this and on the Senate version, S.372. Action on the Senate floor is expected momentarily. H.R. 8617 would give federal employees the right to engage voluntarily in active political participation, such as running for office and being directly involved in political campaigns. It contains prohibitions against coercion and forbids solicitation of funds by officials or the making of any political contributions in government offices and buildings. According to newspaper reports, President Ford intends to veto this legislation if it passes Congress because he feels it would politicize the civil service.

ITEM 5. A bill to watch is H.J. Res. 181, introduced by Rep. Burke (Calif.) and others, which would provide for a study by the Commission on Civil Rights of certain aspects of the state, local, and federal criminal justice systems as they affect women. Areas included are sentencing and parole standards, rules for prisoners, programs and facilities, treatment of prisoners, medical care, and juvenile offenders.

ITEM 6. A recently passed law which touches on many of the subjects under this item is Public Law 94-63, the health revenue sharing and health services bill which took

effect in July when Congress overrode President Ford's veto. Included are provisions to establish home health agencies, to create a study committee on the mental health care needs of the elderly, and to authorize funds for community mental health centers which, among other things, may offer alcohol and drug abuse services.

Aging. Public Law 94-135, passed by Congress in November, expands and extends the Older Americans Act. It provides federal grants for state and local programs aiding the elderly, for support of a community service jobs program for older workers, and for senior volunteer programs run by ACTION. Hearings have begun in the House Equal Opportunity Subcommittee on legislation which would make mandatory retirement at a certain age illegal.

Alcoholism. In 1974 the comprehensive alcoholism law was extended through fiscal 1976. The only legislation now pending concerns appropriations and funding levels, with a major concern being one of not cutting back on existing programs and services. In February, the Senate Subcommittee on Alcoholism and Narcotics began oversight hearings of federally funded alcoholism programs.

Disabilities. Late last year, Congress passed H.R. 4005 (Public Law 94-103), which extends federal efforts to help mentally retarded and others suffering from health problems known as developmental disabilities, such as cerebral palsy and epilepsy. It also passed S.6 (Public Law 94-142), which amends the Education of the Handicapped Act to substantially increase federal funding for the education of handicapped children in the public school system. The National Mass Transportation Assistance Act, which passed the Senate in September and is now before a House committee, would extend federal assistance to mass transit projects in rural and semi-urban areas and strengthen the federal commitment to make mass transit more accessible to the elderly and the handicapped.

Drug Abuse. On February 18, House and Senate conferees filed a conference report resolving the differences between the Senate- and House-passed versions of S.2017, a bill to amend and extend the Drug Abuse Office and Treatment Act of 1972.

Disadvantaged Youth. Hearings have been held on the Juvenile Delinquency in the Schools Act (S.1440), introduced by Senator Bayh, which would provide grants to the states to make schools safer.

ITEM 7. The health revenue sharing act referred to in Item 6 above also established a National Center for the Prevention and Control of Rape. Those wishing to be placed on a mailing list for information should write to Dr. Bertram S. Brown, Director, National Institute of Mental Health, 5600 Fishers Lane, Rockville MD 20852. Senator Bentsen has introduced S.1224, an Act to Reform Trial Standards for the Crime of Forcible Rape, which would make it easier for rape victims to report and prosecute their attackers. States which are in the process of revising their own rape laws might want to examine this bill.

ITEM 8. A number of bills have been introduced to remove the limitation upon the amount of outside income which individuals between the ages of 65 and 72 can earn while receiving full benefits under the Social Security Act. Senate versions include S.410 (Goldwater and more than 20 co-sponsors) and S.1973 (Ribicoff).

ITEM 9. On October 9, the House passed H.R. 200, which would expand federal control over foreign and domestic fishing rights and fish conservation programs from the present 12-mile zone to 200 nautical miles off the coasts of the U.S. On January 28, the Senate approved its own version of H.R. 200 by a vote of 77 to 19. One of the differences between the bills is that the Senate version would not take effect until July 1, 1977. This legislation is opposed by the Executive Branch and Secretary of State Kissinger, who favor waiting for the development of an international treaty from the U.N. Law of the Sea Conference, which next meets in March of this year.

ITEM 10. Senator Tunney has introduced S.2726, a bill to create a Department of Natural Resources, an Executive Office of Resource and Materials Policy, and a Joint Congressional Committee on Energy, Materials, and the Environment. There are a vast number of bills pending which concern various related subjects, such as energy, national parks, wilderness areas, and conservation of specified resources. Those having a special interest in any area are requested to contact the Legislation Department for further assistance.

POLICY ITEMS

1. There is no specific legislation under this item, which is a statement of general principle.
2. After many years of inaction, the Senate recently finally ratified the U.N. Convention on the Political Rights of Women. It also unanimously approved the Inter-American Convention on Granting of Political Rights to Women.
3. Much of the World Plan of Action concerns activities and legislative aims which are already part of BPW's program.

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National Women's Conference. After running into unexpected opposition, H.R. 9924, a bill to direct the National Commission on the Observation of International Women's Year, 1975, to organize and convene a National Women's Conference was passed by Congress and signed into law by President Ford (Public Law 94-167). The final bill authorizes \$5 million for a series of state and regional conferences followed by a national meeting. Funds have yet to be appropriated.

National Center for Women. In early February, Senators Ribicoff and Percy introduced S.2913, which would establish a National Center for Women to reorganize and consolidate various federal programs concerned with women. The Center would be an independent agency designed to review, monitor, coordinate and examine existing federal programs affecting women and to act as a clearinghouse on federal programs and legislation of special interest to women. The House version is H.R. 11686, introduced by Congresswomen Abzug and Heckler.

Homemakers. In November Congresswoman Burke (Calif.) reintroduced as H.R. 10272 the Equal Opportunity for Displaced Homemakers Act. This is designed to establish multi-purpose programs for displaced homemakers which include job counseling, job training, and other education and counseling services. (Support for such legislation by BPW comes from the resolution passed at national convention in Las Vegas.) In addition, H.R. 3009 (Jordan and Burke of Mass.) and H.R. 10750 (Heckler) would provide Social Security benefits for homemakers. H.R. 11840 (Abzug) would amend the Social Security Act to cover homemakers under old-age, survivors, and disability income programs.

FACTS: WOMEN AND PUBLIC LIFE

Women hold roughly four to seven percent of all public offices in the United States, although they comprise 53% of the voting population.

In the current Congress, there are 19 women Representatives, and there are no women in the Senate. The peak year was 1962 when a total of 20 women served, constituting 5% of the membership.

State Legislatures

Total # Legislators 7561
Total # Women Legislators 610
% of Women in Legislatures 8.06%

Top five legislatures by % of women
New Hampshire 24.5%
Arizona 20.0%
Delaware 16.1%
Colorado 16.0%
Alaska 15.0%

Bottom five legislatures by % of women
Alabama .7%
Mississippi 1.1%
Louisiana 1.4%
Nebraska 2.0%
Arkansas 2.2%

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In 1975, one woman serves as a state's governor (Connecticut), and one woman is a lieutenant governor (N.Y.). Two additional women are lieutenant governors-elect (Mississippi and Kentucky) scheduled to take office in 1976.

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In statewide elective and cabinet offices, women hold approximately 10% of the positions.

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On county commissions, less than 3% of the positions are held by women.

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Among mayors and councilors in municipalities and townships, approximately 4% are women.

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On school boards, women constitute less than 13% of officeholders.

Nine states have no women in the State Senate; Seventeen states have only one woman in the State Senate.

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4.5% of the approximately 100,000 government jobs paying \$20,000 and higher are filled by women. In 1968, women comprised 3.7% of those positions. At that rate of increase, it will be the year 2125 before women fill 25% of the management bracket jobs in the U.S. Government.

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There is only one woman in the President's Cabinet.

No women have ever been appointed to the U.S. Supreme Court; of 548 judges of federal courts, four are women.

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" . . . It can hardly be doubted that, in part because of the high visibility of the sex characteristic, women still face pervasive, although at times more subtle, discrimination in our educational institutions, in the job market and, perhaps most conspicuously, in the political arena."

From the U.S. Supreme Court decision, Frontiero v. Richardson, 411 US 677, 1973