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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
1. report	Tab D report, 2p.	n.d.	P5
2. letter	Elizabeth Dole to Deaver re Legislative/Administrative Proposals and Women's Initiatives, 2p.	6/23/83	P5
3. report	Child Care (p.1,partial), 1p.	n.d.	P5 <i>10/27/00</i>

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-1 National security classified information [(a)(1) of the PRA].
- P-2 Relating to appointment to Federal office [(a)(2) of the PRA].
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- F-8 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

THE WHITE HOUSE
WASHINGTON

8/1/83

Info in this notebook appears to be background material to Cabinet Meeting of May 24, 1983 - (perhaps material MKD requested prior to taking over the group).

Additional background matter for this Cabinet meeting can be found in Cabinet meeting file.

Ann D.

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Agenda for In-House Discussion
Prior to Meeting with Congresswomen

- (1) Review matrix on Economic Equity Act and related bills. Resolve items now in dispute.
- (2) Decide whether Norris satisfies President's SOTU promise to seek greater fairness for women in pensions.
- (3) Decide whether Administration should have omnibus bill of its own, or merely support parts of EEA, S.19, etc., in forthcoming testimony.
- (4) Discuss overall strategy and agenda for meeting with Congresswomen.

Response to Republican Congresswomen's Concerns

1. Equal Rights Amendment: Request that the President remain neutral.

- o The President has taken action to ensure legal equality for women:
 - 50 States Project
 - Federal Equity Project
 - Vigorous enforcement of existing laws
- o The President opposes the Equal Rights Amendment. The President's approach of ensuring legal equity is a better approach.
- o The President believes that fairness requires that the people be given the chance to speak on some other amendments -- balanced budget, school prayer, right-to-life.

2. Economic Equity Act: Request that the President support.

- o Many of the proposals in the original E.E.A. from the 97th Congress have already been achieved by the Administration:
 - IRA benefits for the non-working spouse;
 - Court assignment of military pensions;
 - Increased child care tax credit;
 - Incentives for employer prepaid day care benefits;
 - Elimination of gender distinctions in language in federal statutes and regulations;
 - Virtual elimination of estate taxes;
 - Relief for estate treatment of agricultural properties;
 - Program to strengthen child support enforcement.
- o The Administration cannot support the latest version of the E.E.A. taken in its entirety. However, the Administration can support some of the provisions in the E.E.A., or in the comparable bill introduced by Senator Dole (S.19). See Tab D.

3. Child Support Enforcement: Request that the federal government increase efforts, especially for non-AFDC spouses.
 - o Administration has already taken steps to strengthen and improve CSEP:
 - tax refund offset program;
 - interagency working group to strengthen federal enforcement assistance, particularly parent-locator and collection activities.
 - o Administration has already proposed legislation this Congress to strengthen CSEP. The legislation contains specific provisions to enhance role of CSEP in non-AFDC cases.
4. Wage Discrimination: Request that national commission be created to study male/female wage gap.
 - o The Administration supports the concept of equal pay for equal work. Two federal laws are already in place mandating equal pay for equal work.
 - o Some studies have suggested that the pay gap may be due mostly to non-discriminatory factors. To clarify the facts, the CEA will conduct a review. There is no support in the Administration for establishing a Presidential Commission.
 - o A number of steps are being taken: (1) CCMA program to ensure that women in the federal service have a full opportunity to compete for management level job; (2) efforts to encourage use of part-time employment in federal government; (3) support for legislation permitting federal contractors to adopt "flexitime" schedules.
5. Day Care: Request that the President support increased tax credits.
 - o ERTA already increased day care credits. (Further increases could be viewed as a transfer payment by women who work in the home to those who work outside the home.)
 - o 50 States Project is working to identify state regulations that inhibit day care.
 - o Private Sector Initiative Office and Women's Bureau, DOL, are working to encourage private sector day care.

6. Budgetary Concerns: Request that President address the "fairness" issue.
 - o The Administration can do a better job of communicating the "fairness" of its budget proposals.
7. Better Communication/Republican Initiative: Request that Administration achievements be brought more widely to public attention.
 - o The President will be speaking on the Administration's achievements on matters of concern to women.
 - o The Administration is preparing fact sheets and issue papers explaining its positions and achievements on matters of concern to women.

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House of Representatives
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February 3, 1983

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The Honorable Ronald Reagan
President
The White House
Washington, D.C. 20500

123005

Dear Mr. President:

As Republican Members of Congress and as women, we found cause for optimism in your State of the Union address. You demonstrated a clear new awareness of the hardships currently confronting many women in this country. More importantly, you made a number of pledges to address some of the most difficult problems of our day, foremost among them the lack of legal and economic equity for women. Each of us shares a deep sense of commitment to these goals, and offers you her assistance and the promise of tireless effort in the U.S. Congress on behalf of the women of America.

The opening of the 98th Congress presents both the Republican Members of Congress and your administration with a prime opportunity for a critical reevaluation of the legal and economic inequities confronting women, and the initiation of new efforts to eliminate these barriers to full equality. We take this opportunity to present our concerns, and provide you with our recommendations for addressing these serious problems. Further, we would like the opportunity to sit down with you in the near future and develop a course of action for confronting this issue in the 98th Congress.

We believe the two pieces of legislation in the 98th Congress that would do the most to insure legal and economic equity to the women in this country are the Equal Rights Amendment and the concepts embraced by the Women's Economic Equity Act. A variety of other legislative and administrative remedies will be necessary during the next two years, as well. In particular, we are eager to review Justice Department proposals to seriously address the issue of child support enforcement.

The Women's Economic Equity Act has enjoyed broad-based bipartisan support in both the House and Senate. The original package was developed by Senator Durenberger, and cosponsored by twelve of the Senate's most prominent Republican members. Separate provisions of the bill address some of the major reasons that women are economically disadvantaged, particularly important are those that seek to

The Honorable Ronald Reagan
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February 3, 1983

remedy pension inequities and child care burdens. We urge a prompt and comprehensive administration initiative to address women's economic situation, and believe endorsement of this legislation would represent a very important first step.

The Equal Rights Amendment continues to have the support of the vast majority of men and women in this country. We recognize your long-standing opposition to the Equal Rights Amendment as the formal means of eliminating the barriers to equality that women presently face. As you know, the ERA was reintroduced into the 98th Congress with the support of 280 House Members and 56 Senators. We regret that you do not share our position on this issue, but would ask that you let the Congress work its will.

Perhaps the most difficult problem for either the Congress or your administration to remedy is the problem of wage discrimination. Its causes are complex, and in many cases, deeply intertwined with our most basic institutions and socialization patterns. Yet, as we come face to face with a new phenomenon described as the "feminization of poverty," we can no longer accept or excuse the pervasive wage discrimination that has remained essentially unchanged throughout the 20th Century. Last fall the Social Security Commission confronted the demographic and economic changes that threatened the very survival of the Social Security program, and developed legislative proposals to insure its solvency. The ability of this Commission to translate complex demographic and economic causes into legislative remedies in the face of serious problems is encouraging. We thereby recommend the creation of a Commission to study the problem of wage discrimination and develop specific legislative proposals to begin to reverse one of the greatest injustices confronted by women in this country every day.

In the immediate future, we encourage a special focusing of attention within all new and existing programs with regard to occupation segregation and wage discrimination in the workforce. Any new block grants to stimulate advancement in math and science should have built in insurances that women will benefit equally. New jobs programs to help the unemployed should have a special component aimed at addressing the special employment problems women face. The proposed state grants to aid dislocated workers should recognize and address the problem of displaced homemakers, a prime example of the "dislocated worker."

We have a deep concern for the apparent disproportionate share of budget reductions that are directed toward programs of greatest benefit to women and children. The Women's Educational Equity Act Program, the only program which specifically addresses educational equity for women should be fully funded and vigorously administered. Further cuts in child nutrition, food stamps, and AFDC will have their greatest impact on women, particularly women who are maintaining families and represent one of the fastest growing poverty groups in the country today.

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In short, Mr. President, we support fully the pledges you made in the State of the Union address. It is now time to move beyond pledges to the enactment of specific legislation to remedy the fundamental legal and economic inequities women face daily. We believe passage of the Equal Rights Amendment, the Women's Economic Equity Act, and a strong attack on wage discrimination are urgently needed. Further, we strongly support strict child support enforcement laws and adequate funding levels for programs important to the economic well-being of the women in this country. We respectfully request a meeting with you to expand on these comments and to work with you to develop a course of action to remedy these problems.

Sincerely,

Claudine

Claudine Schneider

CLAUDINE SCHNEIDER

Olympia J. Snowe

OLYMPIA J. SNOWE

Marge Roukema

MARGE ROUKEMA

Nancy Johnson

NANCY JOHNSON

MT3

Lynn Martin

LYNN MARTIN

Bobbi Fiedler

BOBBI FIEDLER

Bobski

Summary of Matrix on Economic Equity Act and Related Proposals

Attached is a matrix setting forth the provisions of the Economic Equity Act, comparable provisions in bills such as S.19 (Senator Dole), and agency comments. Here is a list of those provisions which either (1) enjoy widespread agency support; (2) should be considered for support after further discussion; or (3) should probably be opposed.

Items which can be supported either in their present form or with only minor modifications:

- o Require employers to credit employees with reasonable amount of maternity/paternity leave without break in service. (S.19)

- o Require joint and survivor option whenever a life annuity option is offered. (S.19)

- o Permit divorce courts to assign pension rights as part of property settlement. (Codifies existing law; contained in both E.E.A. and S.19.)

- o Child support enforcement. (We already have our own bill before Congress in lieu of comparable E.E.A. provisions.)

Items on which there is still controversy within the Administration but which might be supported in present or modified form if revenue losses or administrative costs are disregarded:

- o Lower from 25 to 21 the age which plans may require as a condition of participation. (E.E.A. and S.19)

- o Lower from 22 to 21 the age below which plans may ignore service for vesting purposes. (E.E.A.)

- o Spousal consent to joint and survivor waiver. (E.E.A. and S.19)

- o Mandatory payment to surviving divorced spouses if married on annuity starting date. (E.E.A. and S.19)

- o Mandatory surviving spouse annuities. (E.E.A. mandates; S.19 would impose notice requirement only.)

- o Forbid pension plans to ignore election or revocation related to joint and survivor option if participant dies of natural causes within two years. (E.E.A.)

Items which are opposed by virtually all components of the Administration:

- o Elimination of gender-based tables in insurance. (E.E.A.)
- o Raise IRA limit for one-earner couples to \$4000. (E.E.A.)
- o Remove current limits on allowing alimony to be used for IRA's. (E.E.A.)
- o Raise Dependent Care Tax Credit. (E.E.A. and Conable bill)
- o Give tax-exempt status to custodial day care organizations. (E.E.A. and Conable)
- o Increase zero-bracket amount for heads of households. (E.E.A.)
- o Include "Displaced Homemakers" in targeted jobs credit. (E.E.A.)
- o Establish grant program for information on child care information and referral centers. (E.E.A. and Conable)

Should the Administration Advance
Its Own Bill on Women's Equity?

Option (1)

Cull from EEA and related bills those provisions which in present or modified form are acceptable to us, repackage as presidential proposal.

Advantages:

- Gives President and supporters a separate, identifiable package to tout.
- Would enable us to be for a distinct legislative package.

Disadvantages:

- Could open a bidding war that we may well lose.
- Because less than the EEA, may be criticized once again as "insensitive" to women.

Option (2)

In testimony before Senate Finance later this month, comment favorably about EEA and related provisions that we can live with.

Advantages:

- If testimony is carefully crafted, could be very positive in tone even while expressing substantial reservations about same proposals.
- Gives us a seat at the table as congressionally sponsored legislation moves ahead.

Disadvantages:

- In testifying on EEA without bill of our own, much of our testimony may be perceived as negative.
- Without a bill of our own, we may be seen as reluctant dragons for the cause of women. Others will get credit for "prodding" a reluctant President into action.

Decision:

Option (1) _____.

Option (2) _____.

Summary of Supreme Court Decision in Norris

Facts:

- o Under Arizona deferred compensation program, state employees could have a regular amount withheld from their paychecks or could choose not to participate at all.
- o Program funded entirely by employee contributions; state contributed nothing.
- o Upon retirement, employee had three options:
 - (1) lump sum;
 - (2) periodic payments for a fixed term of years;
 - (3) invest proceeds in life annuity contract with any of a number of designated private insurance companies, all of whom used gender-based actuarial tables to calculate monthly benefits.

Ruling Below:

- o U.S. District Court in Arizona held plan violates Title VII because all companies designated by state used gender distinctions in calculating annuities. Ninth Circuit affirmed.

Supreme Court Ruling:

- o On July 6, the Supreme Court in effect rendered two separate 5-4 opinions:
 - (1) Affirmed ruling below that Arizona's scheme violated Title VII. (Marshall, Brennan, White, Stevens, and O'Connor).
 - (2) Reversed lower court on retroactivity of the remedy. (Powell, Burger, Blackmun, Rehnquist, and O'Connor). This majority ruled instead that benefits derived from contributions made prior to Norris decision may be calculated using gender-based tables.
- o Although a majority mandated gender neutrality only on payouts based on future contributions, there is some ambiguity on whether this was to be done by means of averaging benefits ("unisex") or by means of "topping up". O'Connor's concurring opinion (which should be considered as controlling) indicates a strong preference for unisex approach.
- o Ruling is confined to employer-provided benefits.

Options After Norris

(1) Send legislation forward expanding on Norris:

- o Mandate that conversions from lump sum to annuity under defined contribution plans be made on unisex basis as of a certain date.
- o Remove any remaining ambiguities on prospective/retroactive in Supreme Court opinions.

Advantage:

-- By going beyond Norris, shows presidential concern for some women who will remain relatively disadvantaged even under the Court's ruling.

Disadvantages:

-- Language would have to be very carefully drafted to accomplish limited goals.

-- Could give unwanted thrust to much broader legislation affecting pensions and insurance generally.

-- While clearly benefitting some women, would be criticized by feminist groups for not going far enough.

(2) Indicate that Norris essentially satisfies the President's concern as stated in the SOTU. Do not forward legislation on equal benefits issue.

Advantage:

-- Without positive Administration support, further undesirable legislation in this area will be difficult to pass.

Disadvantages:

-- Legislation on Hill may advance in any event. Without bill of our own, will be more difficult to control outcome.

-- Feminists will argue that Norris didn't go far enough and that Administration is back-pedaling.

(3) Whether Option (1) or (2) is selected, it may be worthwhile to reconsider the creation of a Presidential Commission to study and report on the implications of Norris and gender distinctions in insurance generally.

Advantage:

-- Could help to forestall legislative momentum behind H.R. 100 which may regain force as 1984 approaches.

Disadvantages:

-- Could give gratuitous push to issue that by some readings is now under control on the Hill.

-- Reporting date is a problem.

-- Commission membership would be hard to control.

Decision:

Option (1)

(a) With Commission _____.

(b) Without Commission _____.

Option (2)

(a) With Commission _____.

(b) Without Commission _____.



THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590
June 23, 1983

MEMORANDUM TO: Michael Deaver
Assistant to the President
Deputy Chief of Staff

FROM: Elizabeth H. Dole *Elizabeth*

SUBJECT: Legislative/Administrative Proposals
on Women's Initiatives

The tremendous influx of women into the workforce over the past 20 years has created dramatic changes in American society, and a new set of problems for women.

. In 1963, less than 30% of women were in the workplace. Today, more than 52% of women are working outside the home.

. However, the number of working women who are poor or "near poor" is large and growing. Some 7 out of 10 working women earn less than \$10,000 a year.

. Many of these working women are mothers. In fact, 63% of women with children between the ages of 6 and 17 were in America's labor force last year.

. A growing number of working mothers raise their children alone. Of the 6.5 million single parent families in the U.S. in 1982, 86% of them were headed by women. That is an increase of 11% in just two years.

These dramatic changes pose complex problems — problems that any President would face in the 1980's. This Administration has the opportunity to respond to these very real needs.

That perception is closely linked to the so-called gender gap, a real and significant issue according to data released by the National Republican Congressional Committee (NRCC), which reports that the gap stood at 14% in June of 1981, 23% in September of 1982, and 15% this past spring. These figures take on particular relevance in the context of 1980 Presidential election statistics. There, for the first time, when measured in both numbers and percentage, the women of America outnumbered, outregistered and outvoted the men. Women are not just another voting group; they are the majority.

The women who comprise the so-called gender gap are the socially conservative, female blue-collar workers -- often the single head of household who earns less than \$15,000 per year as well as older women who have been homemakers and, with the increased rate of divorce, find themselves in the largest growing poverty group. These women, in many instances

would be surprised to be considered feminists. They are more concerned with day care and wage discrimination than the Equal Rights Amendment. They work not always by choice, but by necessity.

In his State of the Union address, the President took an important step in publicly recognizing some of the problems faced by women today. He promised to seek economic and legal equity for women, to strengthen child support enforcement laws and remedy pension inequities. This pronouncement by the President showed both his sensitivity and concern for the problems of concern to women. Therefore, it is important that those commitments be fulfilled and that the President's concern be continually reiterated.

The Administration's response to these matters of economic equity - child care, child support enforcement and pension reform - will be a concern not only to the target groups of affected women, there will also be a strong residual impact among those individuals concerned about the overall fairness issue. The initiatives included are:

At a recent Cabinet meeting, Ed Meese expressed support for legislation expanding Independent Retirement Accounts (IRA's) for homemakers. The revenue impacts of such a proposal are estimated to be \$135M in 1984, \$377M in 1985, and \$421M in 1986. (Department of Treasury, April 1983.) If the Administration is willing to invest additional funds of this magnitude to accomplish these goals, I would suggest that we pursue instead day care tax credits and child support enforcement, both of which are aimed at low and middle income families, and both of which are very popular issues across the political spectrum.

In my view, these initiatives are consistent with the President's philosophy, and are the lowest cost proposals yielding the greatest impact on the problems of working women.

As stated earlier, there is a need to clearly articulate that whatever initiatives are adopted be part of an ongoing, continual process of concern for women.

In addition, perhaps the most volatile issue and the one requiring the most immediate attention, relates to Title IX and its application to equal opportunity for women in education. The Administration must file its brief in the Grove City case currently before the Supreme Court by July 8. It is important the Administration maintain the position it took in the Third Circuit Court of Appeals, which was approved by that Court. To do otherwise would probably set off a "Bob Jones University" reaction in the media, and evoke criticism from minorities, women and the handicapped.

It is also important that the Administration continue its efforts to increase appointments at all levels of government and in the judiciary. In addition, we must go forward with the 50 States' Project and complete

the review of federal laws and regulations. I also recommend that the President consider implementing a multi-faceted program for women employed in the federal government, similar to the one I have instituted at the Department of Transportation which is included in this package. In addition, I have also attached a brief description of S-1285, an educational effort for women moving through Congress which should be examined.

A comprehensive communications plan, such as the one laid out in "The 52% Solution," which I forwarded in December, is a key component in a successful strategy for the President. Attached is an updated strategy, as well as a description of each of the policy initiatives recommended. Obviously a comprehensive legislative strategy cannot be prepared until we determine which initiatives will be pursued.

CHILD CARE

Summary: Day care for children of working parents is a support service for female heads of household at the low and middle income levels. If additional expenditures in the areas of concern to women are decided upon, the President should propose an increase in the dependent care tax credit for low income workers.

Background:

- . Some 63% of women with children 6 to 17 years old, and 50% of women with children under 6, were employed outside the home in 1982.

- . Approximately 13 million children 13 years of age and under are in households in which both parents or the sole parent work full time.

The Economic Recovery Tax Act of 1981 (ERTA) replaced the previous flat rate credit for dependent care with a sliding scale that focused the maximum benefit of the credit on those least able to pay. The tax credit was from 20% to 30% of expenses, depending on income.

Recommendation: The Administration should support provisions of the Economic Equity Act of 1983 to increase the tax credit allowed for dependent care expenditures, with emphasis on those at the lower end of the economic scale.

The proposal could be similar to, though not as costly as, a provision in the Economic Equity Act. The sliding scale of tax credits for dependent care could be increased for lower income families to a level which fits the revenue impact desired.

In addition, support for the establishment of community-based clearinghouses for information exchange and technical assistance should be considered. The revenue estimate for this provision is approximately \$8M. The clearinghouse will provide information on child care supply and demand at the local level, technical assistance to providers, and cooperative assistance with employers interested in establishing employer-assisted dependent care programs. It represents an expansion of efforts now underway in the Private Sector Initiative Program.

In addition, the Administration should also support one other minor provision in the EEA, which enables non-profit organizations providing work-related child care to be eligible for tax-exempt status. Current tax code definitions makes it difficult for child care facilities to qualify for 501 (c) (3) status. Under present law, an organization can qualify for this status only if it is operated exclusively for educational or charitable purposes. This apparently excludes many after-school or infant care centers.

Political Impact: Next to child support enforcement, child care is

perhaps the most serious and visible problem facing the working mother. Expanding the sliding scale to increase assistance to the lower and middle income working families is particularly attractive, in light of the real needs as well as the fairness issue.

Cost: Increase sliding scale for dependent care adjusted to accommodated revenue loss desired.

Clearinghouse cost would equal \$8M.

Action: The President should announce support for a modified version of the Economic Equity Act provision increasing the sliding scale for child care.