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1 ''(A) inform each employee and Member of the rights
2 of election under this subsection; and

3 ''(B) to the maximum extent practicable, inform
4 spouses or former spouses of employees and Members of
5 their rights under this subchapter.''.
6

7 (2) Section 8339(k)(1) of title 5, United States Code,
8 relating to annuities for individuals having insurable
9 interests, is amended by inserting after ''an unmarried
10 employee or Member'' the following: ''who does not have a
11 former spouse for whose benefit a reduction is made in the
12 employee's or Member's annuity and''.

13 (3) Section 8341(b)(1) of title 5, United States Code,
14 is amended by striking out ''unless the employee or Member
15 has notified the Office'' and all that follows and inserting
16 in lieu thereof the following: ''unless an election has been
17 made under section 8339(j)(1) or, in the case of remarriage,
18 an election has not been made under section 8339(j)(3).''.

19 (4) Section 8344(a) of title 5, United States Code,
20 relating to annuities and pay on reemployment, is amended by
21 striking out ''unless, at the time of claiming the increase
22 payable under subparagraph (A), the annuitant notifies the
23 Office of Personnel Management in writing that he does not
24 desire the survivor annuity to be increased'' and inserting
25 in lieu thereof ''unless the annuitant and the annuitant's
spouse jointly elect to the contrary at the time in a

1 written election acknowledged before a notary public''.

2 (d) SPOUSAL AGREEMENTS AND COURT ORDERS.--Section
3 8345(j) of title 5, United States Code, relating to court
4 orders concerning the dissolution of marriage, is amended to
5 read as follows:

6 ''(j)(1)(A) In the case of any employee or Member who
7 has a former spouse who is covered by a court order or who
8 is a party to a spousal agreement--

9 (i) any right of the former spouse to any annuity
10 under section 8341A(a) in connection with any retirement
11 or disability annuity of the employee or Member, and the
12 amount of any such annuity;

13 (ii) any right of the former spouse to a survivor
14 annuity under section 8341A (b) or (c), and the amount
15 of any such annuity; and

16 (iii) any right of the former spouse to any
17 payment of a lump-sum credit under section 8342;

18 shall be determined in accordance with that spousal
19 agreement or court order, if and to the extent expressly
20 provided for in the terms of that spousal agreement or court
21 order.

22 (B) This paragraph shall not apply in the case of any
23 spousal agreement or court order which, as determined by the
24 Office of Personnel Management, is inconsistent with the
25 requirements of this subchapter.

1 ''(2) Except with respect to obligations between
2 employees or Members and former spouses, payments under this
3 subchapter which would otherwise be made to an employee or
4 Member based upon the employee's or Member's service shall
5 be paid (in whole or in part) by the Office to another
6 individual to the extent expressly provided for in the terms
7 of any order or any court decree of legal separation, or the
8 terms of any court order or court-approved property
9 settlement agreement incident to any court decree of legal
10 separation.

11 ''(3) Paragraphs (1) and (2) shall apply only to
12 payments made under this subchapter for periods beginning
13 after the date of receipt by the Office of written notice of
14 such decree, order, or agreement, and such additional
15 information and such documentation as the Office may
16 require.

17 ''(4) Any payment under this subsection to an individual
18 bars recovery by any other individual.

19 ''(5) The 10-year requirement of section 8331(25), or
20 any other provision of this subchapter, shall not be
21 construed to affect the rights any spouse or individual
22 formerly married to an employee or Member may have, under
23 any law or rule of law of any State or the District of
24 Columbia, with respect to an annuity of an employee or
25 Member under this subchapter.''

1 (e) SURVIVOR BENEFITS IN THE CASE OF DIVORCES PRIOR TO
2 EFFECTIVE DATE.--(1) Any current or former employee or
3 Member in the Civil Service Retirement and Disability System
4 who on the effective date of this section, has a former
5 spouse shall receive a reduced annuity and provide a
6 survivor annuity for such former spouse under section
7 8341A(b) of title 5, United States Code, if--

8 (A) the employee or Member so elects by means of a
9 spousal agreement, or

10 (B) a court order so provides.

11 (2)(A) If the employee or Member has not retired under
12 such system on or before the effective date of this section,
13 an election under paragraph (1)(A) may be made, or a court
14 order under paragraph (1)(B) may be issued, at any time
15 before retirement.

16 (B) If the employee or Member has retired under such
17 system on or before the effective date of this section, an
18 election under paragraph (1)(A) may be made, or a court
19 order under paragraph (1)(B) may be issued, within such
20 period after the effective date as the Office of Personnel
21 Management may prescribe.

22 (C) In any case in which an employee or Member is
23 married and has been married for more than one year, an
24 election under paragraph (1)(A) may only be made with the
25 written concurrence of the spouse of the employee or Member.

1 (D) For purposes of applying subchapter III of chapter
2 83 of title 5, United States Code, any such election or
3 court order shall be treated the same as if it were a
4 spousal agreement or court order under section 8345(j) of
5 title 5, United States Code.

6 (3)(A) An election under paragraph (1)(A) may provide
7 for a survivor benefit based on all or any portion of that
8 part of the annuity of the employee or Member which is not
9 designated or committed as a base for survivor benefits for
10 a spouse or any other former spouse of the employee or
11 Member. The employee or Member and the employee's or
12 Member's spouse may make an election under section
13 8339(j)(1)(B) of title 5, United States Code, prior to the
14 time of retirement for the purpose of allowing survivor
15 benefits to be provided under this subsection.

16 (B) A court order under paragraph (1)(B) may provide for
17 an annuity for a former spouse which does not exceed that
18 former spouse's pro rata share of 55 per centum of the full
19 amount of the annuity of employee or Member.

20 (4) The amount of the reduction in the employee's or
21 Member's annuity shall be determined in accordance with
22 section 8339(b)(2) of title 5, United States Code. Such
23 reduction shall be effective as of--

24 (A) the commencing date of the employee's or
25 Member's annuity, in the case of an election under

1 paragraph (2)(A), or

2 (B) the effective date of this section, in the case
3 of an election under paragraph (2)(B).

4 (5) In the case of an employee or Member who died before
5 the effective date of this section after becoming entitled
6 to an annuity and who--

7 (A) at the time the employee or Member became
8 entitled to an annuity was married and did not elect not
9 to provide for a survivor annuity for any surviving
10 spouse under section 8339(j)(1) of title 5, United
11 States Code;

12 (B) subsequently was divorced from the spouse to
13 whom the employee or Member was married at the time of
14 retirement;

15 (C) died and was not married at the time of death
16 (or, if then married, was not married to an individual
17 entitled to an annuity under section 8341(b) of title 5,
18 United States Code),

19 the individual to whom the employee or Member was married at
20 the time the employee or Member retired shall be entitled to
21 an annuity under section 8341 of title 5, United States
22 Code, as if married to the Member at the time of death if
23 the individual is qualified as a former spouse.

24 (6) For purposes of this subsection, the terms "former
25 spouse", "employee", "Member", "court order", and

1 'spousal agreement' have the same meanings as when used in
2 subchapter III of chapter 83 of title 5, United States Code.

3 (f) EFFECTIVE DATE.--(1) The provisions of this section
4 shall take effect beginning on the one hundred and twentieth
5 day after the date of the enactment of this Act.

6 (2) The preceding subsections of this section regarding
7 the rights of former spouses to any annuity under section
8 8341A(a) of title 5, United States Code, shall apply in the
9 case of any individual who after the effective date of this
10 section becomes a former spouse of a current or former
11 employee or member in the Civil Service Retirement and
12 Disability System.

13 (3) Except to the extent provided in subsection (e), the
14 provisions of this section regarding the rights of former
15 spouses to receive survivor annuities under subchapter III
16 of chapter 83 of such title 5 shall apply in the case of any
17 individual who after the effective date of this section
18 becomes a former spouse of a current or former employee or
19 Member in the Civil Service Retirement and Disability
20 System.

21 DISPLACED HOMEMAKERS ESTABLISHED AS A TARGETED GROUP FOR
22 PURPOSES OF COMPUTING THE TAX CREDIT FOR EMPLOYMENT OF
23 CERTAIN NEW EMPLOYEES

24 SEC. 110. (a) Paragraph (1) of section 51(d) of the
25 Internal Revenue Code of 1954 (relating to members of

1 targeted groups) is amended by adding at the end thereof the
2 following new subparagraph:

3 ''(K) a displaced homemaker.''

4 (b) Section 51(d) of such Code (relating to members of
5 targeted groups) is amended by redesignating paragraphs
6 (13), (14), (15), and (16) as paragraphs (14), (15), (16),
7 and (17), respectively, and by adding after paragraph (12)
8 the following new paragraph:

9 ''(13) DISPLACED HOME MAKER.--The term 'displaced
10 homemaker' means an individual who--

11 ''(A) has not worked in the labor force for a
12 substantial number of years but has, during those
13 years, worked in the home providing unpaid services
14 for family members,

15 ''(B)(i) has been dependent on public assistance
16 or on the income of another family member but is no
17 longer supported by that income, or (ii) is
18 receiving public assistance on account of dependent
19 children in the home' and

20 ''(C) is a member of an economically
21 disadvantaged family and is experiencing difficulty
22 in obtaining or upgrading employment.''

23 (c)(1) Paragraph (1) of section 51(d) of such Code is
24 amended--

25 (A) by striking out 'or' at the end of

1 subparagraph (I), and
 2 (B) by striking out the period at the end of
 3 subparagraph (J) and inserting in lieu thereof ', or''.
 4 (2) Subparagraph (A)(ii) of paragraph 12 of such section
 5 51(d) is amended by striking out 'paragraph (14)'' and
 6 inserting in lieu thereof 'paragraph (15)''.

7 (d) The amendments made by subsections (a), (b), and (c)
 8 shall apply to amounts paid or incurred after the date of
 9 enactment of this Act to individuals who have begun to work
 10 for the employer after such date.

11 ZERO BRACKET AMOUNT FOR HEADS OF HOUSEHOLDS INCREASED TO
 12 AMOUNT FOR JOINT RETURNS, ETC.

13 SEC. 111. (a) Paragraph (3) of subsection (b) of section
 14 1 of the Internal Revenue Code of 1954 (relating to
 15 imposition of tax on income of heads of households after
 16 1983) is amended to read as follows:

17 '(3) FOR TAXABLE YEARS BEGINNING AFTER 1983.--

If taxable income is:

The tax is:

Over \$3,400.....	No tax.
Over \$3,400 but not over \$5,500.....	11% of the excess over \$3,400.
Over \$5,500 but not over \$7,600.....	\$231, plus 12% of the excess over \$5,500.
Over \$7,600 but not over \$9,800.....	\$483, plus 14% of the excess over \$7,600.
Over \$9,800 but not over \$12,900.....	\$791, plus 17% of the excess over \$9,800.
Over \$12,900 but not over \$16,100.....	\$1,318, plus 18% of the excess over \$12,900.
Over \$16,100 but not over \$19,300.....	\$1,894, plus 20% of the excess over \$16,100.
Over \$19,300 but not over \$24,600.....	\$2,534, plus 24% of the excess over \$19,300.
Over \$24,600 but not over \$29,900.....	\$3,806, plus 28% of the excess over \$24,600.
Over \$29,900 but not over \$35,200.....	\$5,290, plus 32% of the excess over \$29,900.
Over \$35,200 but not over \$45,800.....	\$6,986, plus 35% of the excess over \$35,200.
Over \$45,800 but not over \$61,700.....	\$10,696, plus 42% of the excess over \$45,800.
Over \$61,700 but not over \$82,900.....	\$17,374, plus 45% of the excess over \$61,700.
Over \$82,900 but not over \$109,400.....	\$26,914, plus 48% of the excess over \$82,900.
Over \$109,400.....	\$39,634, plus 50% of the excess over \$109,400.

1 (b)(1) Subsection (e) of section 104 of the Economic
2 Recovery Tax Act of 1981 is amended to read as follows:

3 "(e) EFFECTIVE DATES.--

4 "(1) SUBSECTION (a).--The amendment made by
5 subsection (a) shall apply to taxable years beginning
6 after December 31, 1984.

7 "(2) SUBSECTIONS (b), (c), AND (d).--The amendments
8 made by subsections (b), (c), and (d) shall apply to
9 taxable years beginning after December 31, 1983."

10 (2)(A) Clause (i) of section 6012(a)(1)(A) of the
11 Internal Revenue Code of 1954 (relating to persons required
12 to make returns of income) is amended by inserting "is not
13 a head of a household (as defined in section 2(b)), " after
14 "section 2(a)), ".

15 (B) Clause (ii) of such section is amended by inserting
16 "or who is a head of a household (as so defined)" after
17 "who is a surviving spouse (as so defined)".

18 (c) The amendments made by this section shall apply to
19 taxable years beginning after December 31, 1983.

20 TITLE II--DEPENDENT CARE PROGRAM
21 INCREASE IN THE TAX CREDIT FOR EXPENSES FOR HOUSEHOLD AND
22 DEPENDENT CARE SERVICES NECESSARY FOR GAINFUL EMPLOYMENT
23 SEC. 201. (a) Paragraph (2) of subsection (a) of section
24 44A of the Internal Revenue Code of 1954 (relating to

1 expenses for household and dependent care services necessary
2 for gainful employment) is amended to read as follows:

3 ''(2) APPLICABLE PERCENTAGE DEFINED.--For purposes
4 of paragraph (1), the term 'applicable percentage' means
5 50 percent reduced (but not below 20 percent) by 1
6 percentage point for each full \$1,000 by which the
7 taxpayer's adjusted gross income for the taxable year
8 exceeds \$10,000.''

9 (b) The amendment made by subsection (a) shall apply to
10 taxable years beginning after December 31, 1983.

11 CERTAIN ORGANIZATIONS PROVIDING DEPENDENT CARE INCLUDED

12 WITHIN THE DEFINITION OF TAX-EXEMPT ORGANIZATIONS

13 SEC. 202. (a) Section 501 of the Internal Revenue Code
14 of 1954 (relating to exemption from tax on corporations,
15 certain trusts, etc.) is amended by redesignating subsection
16 (k) as subsection (l) and inserting after subsection (j) the
17 following new subsection:

18 ''(k) TREATMENT OF CERTAIN ORGANIZATIONS PROVIDING
19 DEPENDENT CARE.--For purposes of subsection (c)(3) of this
20 section and sections 170(c)(2), 2055(a)(2), and 2522(a)(2),
21 the term 'educational purposes' includes the providing of
22 nonresidential dependent care of individuals if--

23 ''(1) substantially all of the dependent care
24 provided by the organization is for purposes of enabling
25 individuals to be gainfully employed, and

1 ''(2) the services provided by the organization are
2 available to the general public.''

3 (b)(1) Subsection (k) of section 170 of such Code is
4 amended by redesignating paragraphs (1) through (7) as
5 paragraphs (2) through (8), respectively, and by inserting
6 before paragraph (2) (as so redesignated) the following new
7 paragraph:

 ''(1) For treatment of certain organizations providing
 dependent care, see section 501(k).''

8 (2) Subsection (f) of section 2055 of such Code is
9 amended by redesignating paragraphs (2) through (10) as
10 paragraphs (3) through (11), respectively, and by inserting
11 after paragraph (1) the following new paragraph:

 ''(2) For treatment of certain organizations providing
 dependent care, see section 501(k).''

12 (3) Subsection (d) of section 2522 of such Code is
13 amended to read as follows:

14 ''(d) CROSS REFERENCES.--

 ''(1) For treatment of certain organizations
 providing dependent care, see section 501(k).

 ''(2) For exemption of certain gifts to or for
 the benefit of the United States and for rules
 of construction with respect to certain gifts,
 see section 2055(f).''

15 (c) The amendments made by subsections (a) and (b) shall
16 apply to taxable years beginning after December 31, 1983.

17 TAX CREDIT FOR HOUSEHOLD AND DEPENDENT CARE SERVICES

18 NECESSARY FOR GAINFUL EMPLOYMENT MADE REFUNDABLE

19 SEC. 203. (a) Subsection (b) of section 6401 of the

1 Internal Revenue Code of 1954 (relating to excess credits
2 treated as overpayments) is amended--

3 (1) by striking out "'and 43 (relating to earned
4 income credit)'" and inserting in lieu thereof "'43
5 (relating to earned income credit), and 44A (relating to
6 expenses for household and dependent care services
7 necessary for gainful employment)'", and

8 (2) by striking out "'39 and 43'" and inserting in
9 lieu thereof "'39, 43, and 44A'".

10 (b)(1) Subsection (a) of section 44A of such Code
11 (relating to expenses for household and dependent care
12 services necessary for gainful employment) is amended by
13 striking out "'the tax imposed by this chapter'" and
14 inserting in lieu thereof "'the tax imposed by this
15 subtitle'".

16 (2) Subsection (b) of such section 44A is hereby
17 repealed.

18 (3) Subsection (a) of section 53 of such Code (relating
19 to limitation based on amount of tax) is amended--

20 (A) by striking out paragraphs (6) and (7),

21 (B) by adding "'and'" at the end of paragraph (4),

22 and

23 (C) by striking out the comma at the end of
24 paragraph (5) and inserting in lieu thereof a period.

25 (4) Sections 44C(b)(5), 44D(b)(5), 44E(e)(1), 44F(g)(1),

1 44G(b)(1)(B), 44H(d)(2), and 55(f)(2) of such Code are each
2 amended by striking out "'and 43'" and inserting in lieu
3 thereof "'43, and 44A'".

4 (5) Subsection (b) of section 6096 of such Code is
5 amended by striking out "'44A,'".

6 (c) The amendments made by subsections (a) and (b) shall
7 apply to taxable years beginning after December 31, 1983.

8 CHILD CARE INFORMATION AND REFERRAL SERVICES

9 SEC. 204. (a)(1) The Congress finds that--

10 (A) approximately 22 million children aged 13 years
11 and under live in families in which all adults present
12 in the home work, and 8.5 million of such children are
13 under age 6;

14 (B) there are 4.3 million children aged 13 years and
15 under, including 1.3 million under age 6, who live in
16 one-parent families where that parent works;

17 (C) in our society as employment options and hours
18 change, child care services must increase and diversify
19 to meet changing needs and preferences;

20 (D) a major problem in locating appropriate services
21 is the lack of centralized information banks which leads
22 to inefficient use of available child care services;

23 (E) the Federal government has an appropriate role
24 in facilitating the efficient use of available
25 resources; and

1 (F) there is a lack of data at the local level
2 documenting the need for child care services in the
3 community.

4 (2) It is the purpose of this section to--

5 (A) make efficient use of available child care
6 resources by creating centralized systems for matching
7 families' needs for child care services with appropriate
8 child care providers;

9 (B) document at the local level supply and demand of
10 child care providers and users;

11 (C) facilitate an educated choice for parents of
12 appropriate child care according to needs and
13 preferences; and

14 (D) stimulate, and increase the number of, child
15 care providers by making available information on local
16 needs and preferences for child care services.

17 (b) The Secretary of Health and Human Services, through
18 the Commissioner of the Administration of Children, Youth,
19 and Families, shall establish a grant program to assist
20 public or private non-profit organizations in the
21 establishment or operation of community-based child care
22 information and referral centers in accordance with this
23 section.

24 (c)(1) Any public or private non-profit organization
25 which desires to receive a grant from the Secretary under

1 this section shall submit an application to the Secretary in
2 such form and at such times as the Secretary may require.

3 Such application shall--

4 (A) describe the manner in which the center will be
5 established or operated;

6 (B) contain an estimate of the cost for the
7 establishment and operation of the center; and

8 (C) include such other information as the Secretary
9 determines to be necessary to assist him in carrying out
10 his functions under this section.

11 (2) The Secretary in evaluating applications under this
12 subsection shall consider the demonstrated or potential
13 ability of such applicant to provide services under this
14 section.

15 (d)(1) Funds provided under this section may be made
16 available to an applicant under subsection (c) only if such
17 applicant provides adequate assurances that--

18 (A) such funds will be used solely for the
19 establishment or operation, or both, of a child care
20 information and referral center;

21 (B) any center funded under this section shall
22 provide information to interested persons only with
23 respect to providers of child care services that meet
24 applicable State and local licensing and registration
25 requirements; and

1 (C) in each year of participation in the grant
2 program under this section, any center receiving funding
3 shall obtain the following percentages of its projected
4 budget through non-Federal sources of funding:

5 (i) at least 25 percent in the first and second
6 years;

7 (ii) at least 50 percent in the third year; and

8 (iii) at least 65 percent in the fourth and
9 fifth years.

10 (2) After the fifth year of funding under this section,
11 a center shall be ineligible for further funding under this
12 section.

13 (e) Any grant made by the Secretary under this section
14 shall not exceed \$75,000 for any fiscal year.

15 (f)(1) Not later than ninety days after the end of each
16 fiscal year, each center funded under this section shall
17 prepare and submit to the Secretary a full and complete
18 report on the activities of such center during such year
19 containing such information as the Secretary may by
20 regulations require.

21 (2) Not later than one hundred and sixty days after the
22 end of each fiscal year, the Secretary shall prepare and
23 submit to the Committee on Education and Labor of the House
24 of Representatives and the Committee on Labor and Human
25 Resources of the Senate a full and complete report on the

1 activities under this section during such year.

2 (g) There is authorized to be appropriated \$8,000,000 in
3 each fiscal year to carry out this section. Amounts
4 appropriated under this section shall remain available until
5 expended.

6 (h) This section shall take effect October 1, 1983.

7 TITLE III--NONDISCRIMINATION IN INSURANCE

8 SHORT TITLE OF TITLE

9 SEC. 301. This title may be cited as the
10 ''Nondiscrimination in Insurance Act of 1983''.

11 FINDINGS AND POLICY

12 SEC. 302. (a) The Congress finds that discrimination
13 based on race, color, religion, sex, or national origin, by
14 any insurer which is engaged in commerce or whose activities
15 affect commerce, in connection with any application for, or
16 the terms, conditions, rates, benefits, or requirements of
17 insurance policies and contracts (including annuity or
18 pension contracts) (1) burdens the commerce of the Nation,
19 (2) impairs the economic welfare of large numbers of
20 consumers who rely on the protection of such policies and
21 contracts, (3) constitutes an unfair trade practice which
22 adversely affects commerce, and (4) makes it difficult for
23 employers to comply with Federal laws prohibiting such
24 discrimination against their employees.

25 (b) The Congress therefore declares that it is the

1 policy of the United States that no insurer shall, on the
2 basis of the race, color, religion, sex, or national origin
3 of any individual or group of persons, (1) refuse to make
4 insurance available to any applicant for insurance, (2) with
5 respect to insurance contracts to which this title applies,
6 treat any such applicant or insured differently than any
7 other applicant or insured with respect to the terms,
8 conditions, rates, benefits, or requirements of any such
9 insurance contract, or (3) commit any other discriminatory
10 action prohibited by this title. It is further the policy of
11 the Congress that this title shall not affect the
12 responsibility and authority of States to regulate the
13 business of insurance, or any regulation or order of any
14 State agency concerning or applicable to the business of
15 insurance, if such regulation or order is consistent with
16 and does not prevent compliance with this title.

17 DEFINITIONS

18 SEC. 303. For purposes of this title, the term--

19 (1) "commerce" means trade, traffic, commerce,
20 transportation, transmission, or communication between a
21 place in a State and any place outside thereof; or
22 within the District of Columbia or a territory or
23 possession of the United States; or between points in
24 the same State but through a point outside thereof.

25 (2) "discriminatory action" means action by an

1 insurer which is unlawful under this title and contrary
2 to the policy stated in section 302 of this title.

3 (3) "insurance" means any arrangement (whether by
4 contract, policy, binder, reinsurance, or otherwise)
5 whereby an insurer (including any governmental agency)
6 will provide benefits (whether by reimbursement,
7 periodic or lump-sum payments, or otherwise) in case
8 specified events occur in connection with death,
9 disability, medical conditions, attainment of specified
10 age, retirement from employment, economic loss, theft,
11 or other events customarily dealt with in insurance
12 policies and contracts (including annuity or pension
13 contracts) relating to life, accident and casualty,
14 theft, retirement, liability, health, disability, or
15 economic loss.

16 (4) "insured" means any person who is insured
17 under, or is or may be an applicant for insurance under,
18 a contract of insurance issued or to be issued by the
19 insurer.

20 (5) "insurer" means any person (A) who provides
21 insurance to others or otherwise engages in the business
22 of insurance and (B) whose activities (i) affect
23 commerce, (ii) utilize facilities of the United States
24 Postal Service, (iii) utilize any facilities used in
25 commerce by any person, or (iv) result in a

1 discriminatory action carried on under color of any law,
2 statute, ordinance, or regulation, or required,
3 permitted, or sanctioned, or supported with funds
4 provided, by the United States, any State or political
5 subdivision, or any agency or officer thereof; and
6 includes such person's agent.

7 (6) "activities affect commerce" means any
8 activity which directly or indirectly relates to,
9 impinges upon, or involves any activity in commerce, and
10 includes any governmental activity.

11 (7) "person" includes one or more individuals,
12 governments, and agencies of the United States or of any
13 State or political subdivision thereof, labor unions,
14 partnerships, associations, corporations, legal
15 representatives, mutual companies, joint ventures, joint
16 stock companies, societies, trusts, unincorporated
17 organizations, trustees, trustees in bankruptcy,
18 receivers, and fiduciaries,

19 (8) "sex" means the gender of the insured and
20 includes pregnancy, childbirth, or related medical
21 conditions of a female insured, except that nothing in
22 this title shall be deemed to amend section 701(k) of
23 the Civil Rights Act of 1964 (42 U.S.C. 2000e(k)), and

24 (9) "State" includes a State of the United States,
25 the District of Columbia, the Commonwealth of Puerto

1 Rico, and any territory or possession of the United
2 States.

3 UNLAWFUL DISCRIMINATORY ACTIONS

4 SEC. 304. (a) It shall be unlawful discriminatory action
5 for any insurer, because of the race, color, religion, sex,
6 or national origin of any person or any group of persons, to
7 do any of the following with respect to any person who after
8 the effective date of this title applies or may apply for a
9 contract of insurance or is an insured under a contract of
10 insurance made after the effective date of this title--

11 (1) to refuse to make, or to refuse to negotiate, or
12 otherwise make unavailable or deny, or delay receiving
13 and processing an application for, a contract of
14 insurance of the type ordinarily made by such insurer;
15 or

16 (2) to treat such applicant or insured differently
17 than the insurer treats or would treat any other
18 applicant or insured with respect to the terms,
19 conditions, rates, benefits, or requirements of such
20 insurance contract.

21 (b) It shall be an unlawful discriminatory action for
22 any insurer--

23 (1) to utilize any statistical table (whether of
24 mortality, life expectancy, morbidity, disability,
25 disability termination, or losses) or any other

1 statistical compilation as a basis for any action which
2 is contrary to this section;

3 (2) to discriminate in any manner against any person
4 because such person has opposed any practice made
5 unlawful by this title or because such person has made a
6 charge, testified, assisted, or participated in any
7 manner in an investigation, proceeding, hearing, or
8 litigation under this title; or

9 (3) to make, print, or publish, or cause to be made,
10 printed, or published, any notice, statement, or
11 advertisement, relating to insurance coverage that such
12 insurer provides or will provide, indicating any
13 preference, limitation, specification, or discrimination
14 based on the race, color, religion, sex, or national
15 origin of any person or group of persons, or an
16 intention to make any such preference, limitation,
17 specification, or discrimination.

18 (c) With respect to all contracts of insurance existing
19 on the date this title becomes effective--

20 (1) it shall be an unlawful discriminatory action
21 for any insurer after the effective date of this title--

22 (A) to charge or collect premium payments or
23 contributions which become due after the effective
24 date of this title; or

25 (B) to determine the amount of or to pay to any

1 insured or other beneficiary under an insurance,
2 annuity, or pension contract any periodic or
3 lump-sum payment after the effective date of this
4 title;

5 if such charge, collection, determination, or payment,
6 is based, directly or indirectly, either on race, color,
7 religion, sex, or national origin of any person or group
8 of persons, or on any statistical table whose use would,
9 if applied to contracts made after the effective date of
10 this title, violate any provision of this section; and

11 (2) the insurer may modify the premium and
12 contribution rates and may increase but not decrease the
13 periodic and lump-sum payments under such existing
14 contracts insofar as they are due after the effective
15 date of this title, if clearly necessary to comply with
16 the nondiscrimination requirements of this title (and if
17 the State agency having jurisdiction to regulate the
18 business of insurance concurs that the modification
19 requested by the insurer is clearly necessary to comply
20 with such requirements and authorizes such
21 modification), but such insurer need not refund any
22 portion of the premiums and contributions which were
23 payable to the insurer prior to the effective date of
24 this title nor pay any additional amounts for the
25 benefits which were payable by the insurer prior to the

1 effective date of this title.

2 (d) Nothing in this title shall be deemed to prevent an
3 insurer who regularly provides insurance coverage solely to
4 persons of a single religious affiliation from continuing to
5 provide insurance solely to persons of that religious
6 affiliation.

7 STATE OR LOCAL ENFORCEMENT PRIOR TO JUDICIAL ENFORCEMENT

8 UNDER THIS TITLE

9 SEC. 305. (a) If an alleged discriminatory action occurs
10 in a State, or political subdivision thereof, which has a
11 State or local law prohibiting such discriminatory action
12 and establishing or authorizing a State or local authority
13 to grant or seek relief from such discriminatory action or
14 to institute criminal proceedings with respect to such
15 action upon receiving written notice of such action within
16 one hundred and eighty days after the alleged discriminatory
17 action occurs, the provisions of this section shall apply.

18 (b) It is the purpose of this title to accord to State
19 and local authorities the primary opportunity to enforce the
20 State or local laws prohibiting such discriminatory action
21 before an aggrieved person may invoke the judicial remedy
22 provided under section 306 of this title. Therefore, no suit
23 shall be filed under section 306 of this title before the
24 expiration of sixty days after the State or local authority
25 has received the notice specified in subsection (a) of this

1 section, unless any proceeding begun by the State or local
2 authority after such notice has been earlier terminated
3 (except that such sixty-day periods shall be one hundred and
4 twenty days during the first year after the effective date
5 of such State or local law). The notice of the alleged
6 discriminatory action to commence such State or local
7 proceedings shall be filed within the time prescribed by
8 such State or local law, provided such prescribed time is
9 not less than one hundred and eighty days after the alleged
10 discriminatory action occurred. If any State or local
11 authority imposes any requirement for the commencement of
12 such proceedings other than a requirement that a written and
13 signed statement of the facts upon which the charge of the
14 alleged discriminatory action is based be filed within one
15 hundred and eighty days after the alleged discriminatory
16 action occurred, the proceeding shall be deemed to have been
17 commenced for the purposes of this section at the time such
18 statement is filed with the appropriate State or local
19 authority. Depositing such statement in the United States
20 mail by certified or registered mail addressed to the State
21 or local agency shall be equivalent to such filing. Where
22 the alleged discriminatory action is continuing in
23 character, the one hundred and eighty days shall be computed
24 from the last day on which such continuing discriminatory
25 action occurred.

1 CIVIL ACTION BY OR ON BEHALF OF AGGRIEVED PERSON

2 SEC. 306. If the State or political subdivision thereof

3 in which the alleged discriminatory action occurred does not

4 have a State or local law which complies with subsection

5 305(a) of this title, or if the State or local authority has

6 failed within sixty days after receiving the notice

7 prescribed in section 305 of this title to either (i)

8 institute and diligently prosecute a proceeding pursuant to

9 such section, or (ii) enter into a conciliation agreement to

10 which the aggrieved person is a party, a civil action

11 against the insurer may be brought by or on behalf of such

12 person. Such civil action may be instituted in any State

13 court having jurisdiction under State law or in a United

14 States district court having jurisdiction under section 308

15 of this title. No suit under this section may be filed after

16 the expiration of one hundred and eighty days following the

17 alleged discriminatory action, except that in a case where

18 the aggrieved person has instituted proceedings with a State

19 or local authority pursuant to section 305 of this title and

20 such authority either has notified the aggrieved person that

21 the proceedings under the State or local law have been

22 terminated, or has failed to comply with clauses (i) or (ii)

23 of this section within sixty days after receiving the notice

24 prescribed in section 305 of this title, the suit under this

25 section may be filed not later than ninety days thereafter,

1 or one hundred and eighty days after the occurrence of the
2 alleged discriminatory action, whichever is later. Where the
3 alleged discriminatory action is continuing in character,
4 the one hundred and eighty days shall be computed from the
5 last day on which such discriminatory action occurred. Upon
6 the complainant's application and in such circumstances as
7 the court may deem just, the court may appoint an attorney
8 for such complainant and may authorize the commencement of
9 the action without the payment of fees, costs, or security.
10 Upon request of the State or local authority or any party to
11 the suit, the court may stay further proceedings for not
12 more than sixty days pending the termination of State or
13 local proceedings described in section 305 of this title.

14 CIVIL ACTION BY THE ATTORNEY GENERAL INVOLVING ISSUES OF

15 GENERAL PUBLIC IMPORTANCE

16 SEC. 307. Whenever the Attorney General has reasonable
17 cause to believe that any person or group of persons is
18 engaged in a pattern or practice of resistance to the full
19 enjoyment of any of the rights granted by this title, or
20 that any group of persons has been denied any of the rights
21 granted by this title, and such denial raises an issue of
22 general public importance, the Attorney General may bring a
23 civil action in any United States district court having
24 jurisdiction under section 308 of this title, by filing with
25 it a complaint setting forth the facts and requesting such

1 relief, including an application for a permanent or
2 temporary injunction, restraining order, or other order
3 against the person or persons responsible for such pattern
4 or practice or denial of rights, as the Attorney General
5 considers necessary to insure the full enjoyment of the
6 rights granted by this title.

7

JURISDICTION

8 SEC. 308. Any civil action under this title instituted
9 in a United States district court shall be brought, without
10 regard to the amount in controversy, in the United States
11 district court of any judicial district in the State in
12 which (1) the alleged discriminatory action occurred, (2)
13 the insurer's principal office is located, (3) the insurer
14 maintains and administers records relevant to the alleged
15 discriminatory action, (4) the insurer resides or is
16 located, (5) the insurer is incorporated or has a designated
17 agent for service of process, or (6) the insurer transacts
18 business. The case shall be heard at the earliest
19 practicable time and expedited in every way. If no judge is
20 promptly available to hear and decide the case, the chief
21 judge or acting chief judge of the district shall so certify
22 to the chief judge of the circuit who shall promptly
23 designate a district or circuit judge of the circuit to hear
24 and determine the case.

25

JUDICIAL RELIEF

1 SEC. 309. (a) If the court determines that the insurer,
2 whether public or private, has committed a discriminatory
3 action, the court may--

4 (1) enjoin the respondent from committing any
5 discriminatory action in the future;

6 (2) order the respondent to amend the insurance
7 contract to conform with the requirements of this title;

8 (3) require the respondent to reimburse the
9 aggrieved person for all actual damages sustained by
10 such person, either in an individual capacity or as a
11 member of a class, including reimbursement for excess
12 rates paid or inadequate benefits received as a result
13 of the discriminatory action;

14 (4) require the respondent to pay punitive damages,
15 in addition to the actual damages under paragraph (3) of
16 this subsection, of not more than \$25,000 for each
17 individual plaintiff and not more than \$800,000 in the
18 case of a class action;

19 (5) allow the person aggrieved such reasonable
20 attorney fees as part of the costs assessed against the
21 respondent, as the court in its discretion deems proper;

22 (6) order such other equitable relief, including
23 temporary or preliminary relief pending final
24 disposition of the case, as the court may deem
25 appropriate; and

1 EFFECTIVE DATE OF TITLE

2 SEC. 311. This title shall become effective on the
3 ninetieth day after the date of the enactment of this Act.

4 TITLE IV--REGULATORY REFORM AND SEX NEUTRALITY

5 REVISION OF REGULATIONS, ETC., AND LEGISLATIVE

6 RECOMMENDATIONS

7 SEC. 401. (a) The head of each agency (within the
8 meaning of section 552(e) of title 5, United States Code)
9 shall--

10 (1) conduct an ongoing review of the rules,
11 regulations, guidelines, programs, and policies of the
12 agency to identify all such rules, regulations,
13 guidelines, programs, and policies which result in
14 different treatment based on sex, and

15 (2) submit annually a report to the Congress on such
16 review, including a detailed description of the progress
17 of the agency in complying with the requirements of
18 subsection (b).

19 (b) The head of each agency (as defined in subsection
20 (a)) shall develop and implement proposals to make, to the
21 extent practicable, all rules, regulations, guidelines,
22 programs, and policies of the agency neutral as to sex.

23 (c) The head of each agency (as defined in subsection
24 (a)) shall develop and transmit to the Congress proposals to
25 alter any laws implemented, administered, or enforced by the

1 agency to ensure, to the extent practicable, that their
2 implementation, administration, or enforcement does not
3 result in discrimination on the basis of sex.

4 RULE OF STATUTORY CONSTRUCTION RELATING TO GENDER

5 SEC. 402. (a) Section 1 of title 1, United States Code,
6 is amended--

7 (1) in the heading, by striking out "'gender,'" and
8 inserting in lieu thereof "'tense,'" ; and

9 (2) by striking out the following:

10 "'words importing the masculine gender include the
11 feminine as well;''.

12 (b)(1) Chapter 1 of title 1, United States Code, is
13 further amended by inserting after section 1 the following
14 new section:

15 "'§1a. Words denoting gender

16 "'Unless otherwise specifically provided in an Act of
17 Congress with respect to such Act or any provision thereof,
18 all words of such Act or provision importing one gender
19 include and apply to the other gender as well.''.

20 (2) The table of sections for chapter 1 of title 1,
21 United States Code, is amended by striking out the item
22 relating to section 1 and inserting in lieu thereof the
23 following new items:

'1. Words denoting number, tense, and so forth.

'1a. Words denoting gender.''.

1 PART A--PROGRAM IMPROVEMENTS

2 PURPOSE OF THE PROGRAM

3 SEC. 501. (a) Section 451 of the Social Security Act is
4 amended by striking out "'For the purpose of enforcing'" and
5 inserting in lieu thereof the following:

6 "'(a) The purpose of the program authorized by this part
7 is to assure compliance with obligations to pay child
8 support to each child in the United States living with one
9 parent.

10 "'(b) In order to achieve the purpose set forth in
11 subsection (a), by enforcing''.

12 (b) The section heading of section 451 of such Act is
13 amended to read as follows:

14 "'PURPOSE OF PROGRAM; APPROPRIATIONS''.

15 COLLECTION OF PAST-DUE SUPPORT FROM FEDERAL TAX REFUNDS

16 SEC. 502. (a) Section 464(a) of the Social Security Act
17 is amended--

18 (1) by inserting "'or which such State has agreed to
19 collect under section 454(6),'" after "'402(a)(26),'';
20 and

21 (2) by inserting before the period at the end
22 thereof the following: "'in the case of past-due
23 support assigned to such State pursuant to section
24 402(a)(26), or, in the case of past-due support which
25 such State has agreed to collect under section 454(6),

1 shall pay such amount to the State agency for
2 distribution, after deduction of any fees imposed by the
3 State to cover the costs of collection, to the child or
4 parent to whom such support is owed''.

5 (b) Section 6402(c) of the Internal Revenue Code of 1954
6 is amended by inserting ''or which has agreed to collect
7 such support under section 454(6) of such Act'' after ''the
8 State to which such support has been assigned''.

9 (c) The amendments made by this section shall become
10 effective 90 days after the date of the enactment of this
11 Act.

12 CHILD SUPPORT CLEARINGHOUSE

13 SEC. 503. (a) Section 454(10) of the Social Security
14 Act is amended to read as follows:

15 ''(10) provide that the State will maintain a child
16 support clearinghouse or comparable procedure--

17 ''(A) through which all payments for the support
18 and maintenance of a child, and payments for the
19 support and maintenance of a child and the parent
20 with whom the child is living, which are owed by
21 absent parents residing or employed in such State,
22 pursuant to any support order which is issued,
23 modified, or enforced after December 31, 1983, will
24 be recorded;

25 ''(B) into which any such support payments shall

1 be paid, recorded, and forwarded--

2 '(i) in the case of children residing in
3 such State, to such children or (where
4 applicable) for distribution under paragraph
5 (5), or

6 '(ii) in the case of children residing in
7 another State, to the child support
8 clearinghouse in such other State,
9 with appropriate arrangements with other States to
10 avoid duplication of collections where an individual
11 resides in one State and is employed in another
12 State;

13 '(C) which will maintain a full record of
14 collections and disbursements made; and

15 '(D) which will include a system for reporting
16 such support obligations owed, collected, and
17 disbursed, and for notifying the appropriate courts
18 and the agency established under paragraph (3) when
19 payments are not made in a timely manner or the
20 correct amount of such payments are not made, for
21 the purpose of taking enforcement actions;''.

22 (b) The amendment made by this section shall become
23 effective on January 1, 1985.

24 STRENGTHENING OF STATE CHILD SUPPORT ENFORCEMENT PROCEDURES

25 SEC. 504. (a) Section 454 of the Social Security Act is

1 amended--

2 (1) by striking out "and" at the end of paragraph
3 (18);

4 (2) by striking out the period at the end of
5 paragraph (19) and inserting in lieu thereof "; and";
6 and

7 (3) by adding at the end thereof the following new
8 paragraphs:

9 "(20) provide that the State shall seek medical
10 support for children for whom it is seeking financial
11 support when such medical support from an absent parent
12 would be available at a reasonable cost through
13 employment related health care or health insurance;

14 "(21) provide for mandatory withholding and payment
15 of past-due support (as defined in section 464(c)) from
16 wages when such support has been past-due for two
17 months, as determined through the child support
18 clearinghouse established pursuant to paragraph (10);

19 "(22) provide a procedure for imposing liens
20 against property and estates for amounts of past-due
21 support (as defined in section 464(c)) owed by an absent
22 parent residing in such State;

23 "(23) in the case of a State which imposes an
24 income tax, provide that past-due support (as defined in
25 section 464(c)) owed by an absent parent residing or

1 employed in such State shall be withheld and collected
2 from any refund of tax payments which would otherwise be
3 payable to such absent parent;

4 '(24) provide that quasijudicial or administrative
5 procedures be available to aid in the establishment,
6 modification, and collection of support obligations and
7 in the establishment of paternity; and

8 '(25) provide for at least three of the following:

9 '(A) voluntary wage assignment for payment of
10 support obligations,

11 '(B) the use of highly accurate scientific
12 testing (as determined by the Secretary) to
13 determine paternity,

14 '(C) the imposition of security, a bond, or
15 another type of guarantee to secure support
16 obligations of absent parents who have a pattern of
17 past-due support,

18 '(D) a procedure whereby a proceeding to
19 establish paternity may be carried out without the
20 participation of the alleged father if such alleged
21 father refuses to cooperate in establishing
22 paternity, or

23 '(E) use of an objective standard to guide in
24 the establishment and modification of support
25 obligations by measuring the amount of support

1 needed and the ability of an absent parent to pay
2 such support, such that comparable amounts of
3 support are awarded in similar situations.''.
4

5 (b) Of the eight requirements consisting of paragraphs
6 (20) through (24), and any three of the subparagraphs (A)
7 through (E) of paragraph (25), of section 454 of the Social
8 Security Act--

9 (1) five of such requirements must be met by each
10 State prior to January 1, 1985; and

11 (2) an additional three of such requirements must be
12 met by each State prior to January 1, 1986,
13 in order for such State's plan to be in compliance with
14 section 454 of such Act.

15 EXCEPTIONS TO DISCHARGE IN BANKRUPTCY

16 SEC. 505. Section 523(a)(5) of title 11, United States
17 Code, is amended by striking out "in connection with a
18 separation agreement, divorce decree, or property settlement
19 agreement,".

20 PART B--FEDERAL EMPLOYEE PROVISIONS

21 ALLOTMENT OF FEDERAL PAY FOR CHILD AND SPOUSAL SUPPORT

22 SEC. 511. (a)(1) Subchapter III of chapter 55 of title
23 5, United States Code, is amended by inserting after section
24 5525 the following new section:

25 ''§5525a. Allotments of pay for child and spousal support

''(a) In any case in which child support payments or

1 child and spousal support payments are owed by an employee
2 under a support order meeting the criteria specified in
3 section 303(b)(1)(A) of the Consumer Credit Protection Act,
4 allotments from the pay of the employee shall be made if the
5 court issuing the order provides notice of such order in
6 accordance with the applicable regulations prescribed under
7 subsection (d).

8 ''(b) The amount of an allotment under this section
9 shall be the amount necessary to comply with the court
10 order, except that the amount of the allotment, together
11 with any other amounts withheld for support from the pay of
12 the employee, shall not exceed the limits prescribed in
13 section 303(b) of the Consumer Credit Protection Act.

14 ''(c) An allotment under this section shall be adjusted
15 or discontinued upon notice from the court.

16 ''(d) The regulations prescribed under section 5527 of
17 this title to carry out the preceding provisions of this
18 section--

19 ''(1) shall designate to whom any notice under this
20 section is to be given;

21 ''(2) shall prescribe the form and content of any
22 such notice; and

23 ''(3) shall set forth any other rules necessary to
24 implement this section.

25 ''(e) For purposes of this section, the terms 'child

1 support payments', 'child and spousal support payments', and
2 'support' are used as those terms are used in section 465 of
3 the Social Security Act.''.
4

5 (2) The analysis for chapter 55 of title 5, United
6 States Code, is amended by inserting after the item relating
7 to section 5525 the following new item:

8 ''5525a. Allotments of pay for child and spousal support.''.
9

10 (b) The amendments made by subsection (a) shall apply
11 with respect to court orders first issued after the date of
12 the enactment of this Act.