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#### THE WHITE HOUSE

WASHINGTON

# ADMINISTRATION ACTIVITIES ON ISSUES OF IMPORTANCE TO WOMEN

February 10, 1983

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## Week Ending Friday, September 3, 1982

White House Coordinating Council on Women

Announcement of the Formation and Membership of the Council.
August 27, 1982

The President today announced the formation of a White House Coordinating Council on Women. Composed of senior White House staff from several key offices, the Council will serve as a focal point for the coordination of policies and issues that are of particular concern to women. The Council will also work on the appointment of women and the development of policy and programs by regularly bringing women's concerns to the attention of the President and appropriate offices within the executive branch.

The President has designated Elizabeth

H. Dole, Assistant to the President for
Public Liaison, as Chair of the Coordinating
Council

Other standing members of the Coordinating Council on Women are: David R. Gergen, Assistant to the President for Communications; Edwin L. Harper, Assistant to the President for Policy Development; Helene von Damm, Assistant to the President for Presidential Personnel; Joseph R. Wright, Deputy Director, Office of Management and Budget; and Peter E. Teeley, Assistant to the Vice President and Press Secretary.

Margaret D. Tutwiler, Special Assistant to the President and Executive Assistant to the Chief of Staff, will serve as Staff Director for the Council.

The President also announced that the following individuals will serve as members of a working group of the Coordinating Council on Women: Dee Jepsen, Special Assistant to the President for Public Liaison; Thelma Duggin, Special Assistant to the President and Director of the 50 States Project; Joanna Bistany, Special Assistant to the President for Communications; Velma

Montoya, Assistant Director for Strategic Planning, Office of Policy Development; Martha Hesse, Special Assistant to the Deputy Director, Office of Management and Budget; Susan Alvarado, Assistant to the Vice President for Congressional Relations; Emily H. Rock, Special Assistant to the Director, Office of Policy Development; and J. Bonnie Newman, Associate Director, Office of Presidential Personnel.

# Task Force on Legal Equity for Women

Executive Order 12336. December 21, 1981

By the authority vested in me as President by the Constitution of the United States of America, and in order to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the Task Force on Legal Equity

for Women.

(b) The Task Force members shall be appointed by the President from among nominees by the heads of the following Executive agencies, each of which shall have one representative on the Task Force.

(1) Department of State.

- (2) Department of the Treasury.
- (3) Department of Defense.
- (4) Department of Justice.
- (5) Department of the Interior.
- (6) Department of Agriculture.
- (7) Department of Commerce.
- (8) Department of Labor.
- (9) Department of Health and Human Services.
- (10) Department of Housing and Urban Development.
- (11) Department of Transportation.
- (12) Department of Energy.
- (13) Department of Education.
- (14) Agency for International Development.
- (15) Veterans Administration.
- (16) Office of Management and Budget.
- (17) International Communication Agency.

(;

- (18) Office of Personnel Management.
- (19) Environmental Protection Agency.
- (20) ACTION.
- (21) Small Business Administration.

- (c) The President shall designate one of the members to chair the Task Force. Other agencies may be invited to participate in the functions of the Task Force.
- Sec. 2. Functions. (a) The members of the Task Force shall be responsible for coordinating and facilitating in their respective agencies, under the direction of the head of their agency, the implementation of changes ordered by the President in sexdiscriminatory Federal regulations, policies, and practices.
- (b) The Task Force shall periodically report to the President on the progress made throughout the Government in implementing the President's directives.
- (c) The Attorney General shall complete the review of Federal laws, regulations, policies, and practices which contain language that unjustifiably differentiates, or which effectively discriminates, on the basis of sex. The Attorney General or his designee shall, on a quarterly basis, report his findings to the President through the Cabinet Council on Human Resources.
- Sec. 3. Administration. (a) The head of each Executive agency shall, to the extent permitted by law, provide the Task Force with such information and advice as the Task Force may identify as being useful to fulfill its functions.
- (b) The agency with its representative chairing the Task Force shall, to the extent permitted by law, provide the Task Force with such administrative support as may be necessary for the effective performance of its functions.
- (c) The head of each agency represented on the Task Force shall, to the extent permitted by law, furnish its representative such administrative support as is necessary and appropriate.
- Sec. 4. General Provisions. (a) Section 1–101(h) of Executive Order No. 12258, as amended, is revoked.
- (b) Executive Order No. 12135 is revoked.
- (c) Section 6 of Executive Order No. 12050, as amended, is revoked.

Ronald Reagan

The White House, December 21, 1981.

## STATUS REPORT: THE FEDERAL EQUITY PROJECT

As a candidate, Ronald Reagan pledged to fulfill important campaign commitments to women on the subject of equal rights:

"I will seek the elimination of numerous federal regulations that discriminate against women." (Press Release 10/21/80).

"I will ask the existing National Commission on the Status of Women to submit annually a list of Federal laws which subvert women's rights. I will then work with Congress to revise or repeal those statutes, or to enact new equal rights legislation as required." (Reagan-Bush Fact Sheet, "Equal Rights for Women", 1/31/80).

To fulfill these campaign pledges, President Reagan issued Executive Order 12336 in December of 1981. The Executive Order requires the Attorney General to "complete the review of Federal laws, regulations, policies and practices which contain language that unjustifiably differentiates, or which effectively discriminates, on the basis of sex." The Executive Order also establishes a Task Force on Legal Equity for Women to be responsible for coordinating and facilitating the completion of this project in their respective departments and agencies.

The implementation of Executive Order 12336 has come to be known as the Federal Equity Project.

#### PROGRESS TO DATE

- \*The Task Force on Legal Equity for Women was first convened by President Reagan on December 21, 1981.
- \*The Department of Justice commenced work on the review of Federal statutes and regulations in early 1982.
- \*Thirty-five agencies have designated a contact individual to coordinate an in-house review of statutes, regulations, policies, and practices for any remaining gender discrimination. Agencies have been asked to identify any statute, regulation, policy, or practice containing gender bias.
- \*Fifteen staff members of the DOJ Office of Coordination and Review have been assigned to assist in agency reviews. Each staff member is currently reviewing all material submitted to the Department of Justice. Meetings with agency contacts are ongoing.

- \*The first DOJ progress report was transmitted to the Cabinet Council on Legal Policy in June 1982. The report listed progress to date on the correction of legal inequities affecting women. The appendix listed over 100 Federal statutes containing gender-biased language.
- \*On September 27, 1982, President Reagan sent a letter to Senator Dole (R-Kansas) in support of legislation to correct statutes identified in the first Department of Justice report containing gender bias.
- \*On October 1, 1982, Senator Robert Dole (R-Kansas) introduced legislation (S.3008) which would cleanse the Federal code of approximately 100 gender-discriminatory provisions identified in the Department of Justice report.
- \*In the fall of 1982, the Justice Department authorized an updated computer-assisted search of Federal statutes and regulations to identify remaining gender discrimination. This search updates the previous 1977 data based referenced in the first DOJ report.
- \*The Task Force on Legal Equity for Women was convened for the second time on November 22, 1982. The first DOJ report was discussed and distributed with the proposed corrective legislation S.3008. The Task Force members were notified of the updated computer search and of the designation of liaison persons in their department.
- \*On December 3, 1982, the Justice Department transmitted a second status report to the Cabinet Council on Legal Policy. The second report describing an updated computer-assisted search of the U.S. Code and of Federal regulations. Summary reports from the agency reviews and updated computer searches will constitute the substance of future Department of Justice reports.

arks at a Luncheon for the Governors' resentatives to the Project. October 7,

ancy and I are delighted to have this prtunity to meet with you today and to able to tell you that the project that re working on is of great importance to administration.

tanding, I think, that exists over some ne problems today, and it was ever thus, suse back long before there was a quesabout discrimination, there should have a some forewarnings. And the late Will ers many years ago commented on this pe you wouldn't disapprove of what he he said that women were going to try become more and more like men till try soon they wouldn't know any more the men did. [Laughter]

ut some critics have expressed concern we're not addressing women's issues. let's set the record straight right now: the charge is a burn rap. With respect to economic program, the well-being of nen, like all Americans, depends on a lithy economy. And certainly, women it benefit from continued inflation and imployment.

is for appointments, as you've learned hady in the meetings that you've been ing so far, we've appointed women to h-level positions throughout the administion, and I've directed that we continue effort to place qualified women in positions of responsibility. The quality of leader-p and the contributions made by these men are an irreplaceable part of our port to chart a new course for our Nation. In any of them are here today, as you well now by this time. And I'm particularly and of one who is not—Sandra O'Connor, o now sits on the United States Supreme unit.

Then there's the question of the ERA d, while it's true that I do not believe it is the best way to end discrimination aimst women, I do believe with all my art that such discrimination must be minated.

There are numerous methods of rectifying the problem of sex discrimination. In California, we achieved a measure of success, perhaps more than some people give us credit for. As Governor of California, I signed fourteen pieces of legislation eliminating regulations and statutes that discriminated against women. We passed legislation prohibiting sexual discrimination in employment and business matters, established the right of a married woman to obtain credit in her own name, and revised the property and probate laws to give the wife equal rights concerning community property.

And any number of these bread-and-butter issues, ones that were important to many individuals, and particularly women, when you read the list today—I won't read all of them, but if you did in 1981, it's hard to believe that those laws could have been on the books in the first place. And it's possible that similar discriminatory statutes and regulations may exist today in other States.

So, in my acceptance speech at the Republican National Convention in 1980 I pledged that, as President, I would establish a liaison with the 50 Governors to encourage them to eliminate discrimination against women wherever it exists. And that's why you are here today. You are the result of that. The Governors responded as I knew they would. And Judy Peachee, who serves as my Special Assistant for Intergovernmental Affairs, will be my personal liaison with you and your Governors on this important undertaking.

It's my hope that through the Fifty States Project we can alter or eliminate those State laws that continue to deny equality to women. And we will be working on the same thing here at the Federal level where that is needed, as we have done on our tax program, eliminating the marriage tax penalty. And we yet have to get at the discrimination against working wives in social security and some other things. We plan to help you focus public attention on the project and assist in developing support for the initiatives taken by your Governors and your legislatures.

At the National Conference of State Legislatures meeting in Atlanta on July 1st, I talked about this initiative and, I must got my biggest applause. I thought at time I should have quit speaking ri there—I couldn't top that. [Laughter] we've received encouraging expressions support since then, but the progress going to depend on your efforts. When go back to your States, I hope that you think of yourselves not only as your covernor's representative, but also as r resenting the women in your States.

You'll be the key to making this proj work. And the Fifty States Project is onl beginning. There's much to be done, but inviting you here today, I want to reaffi my commitment to the equality of all of citizens and my commitment to this prect. And I know it can be successful cause it's already very apparent that Governors made very good choices in the representatives.

Thank you all for being here again. I preciate it.

The 50 States Project implements President Reagan's campaign commitment with the 50 governors to help assist in identifying and correcting state laws which discriminate against women. Judy Peachee was appointed Director of the Project in May of 1981, at which time the groundwork for the program was laid with a Presidential letter to the governors requesting that they appoint a representative from their office to coordinate efforts with the White House. By September 1981, all the governors had appointed such a representative.

In October 1981, the governor's representatives met at the White House to discuss the 50 States Project, exchange information, and promote cooperation between the states. During this conference, the representatives attended workshops to discuss such issues as "Research and Review of State Statutes", "Legislative Support for Corrective Legislation", and "Creating Positive Perceptions and Community Support". The highlight of the conference was a luncheon hosted by the President and Mrs. Reagan, at which the President reconfirmed his commitment to the 50 States Project.

Due to the resignation of Judy Peachee, responsibility for the Project was transferred in July 1982 to Ms. Thelma Duggin who was appointed Special Assistant to the President and Director of the 50 States Project. The Honorable Catherine Bedell was named as a Consultant and Mary Elizabeth Quint as Deputy Special Assistant to the President.

This transfer of responsibility did not alter the goals and objectives of the program which are to:

- -- Collect and make available various information on the nature and status of specific corrective legislation in the 50 states.
- -- Assist the states in the development of strategies designed to meet their individual needs.
- -- Maintain an information clearinghouse.
- -- Provide regular information releases on activities in the states.
- -- Initiate briefings and meetings designed to keep an open line of communication between the parties involved in efforts to remove sex discrimination in states laws.

In an effort to realize the goals of the 50 States Project, surveys were sent to each state in August 1982, requesting

that the governors' representatives provide the White House with information on their state's activities in the area of identifying discriminatory laws on the basis of sex and efforts made to correct them. The U.S. Department of Labor and the staff of the 50 States Project made follow-up calls to the states, and by October 1982, background information had been received from each state. After verifying this information through the 50 States Representatives, profiles on the status of the states were compiled in December 1982 for dissemination back to the governors in January 1983.

Once these reports are circulated, the immediate tasks at hand will be to:

- -- Establish contact and brief all new governors on the Project.
- -- Establish working relationships with organizations representing state and local officials, as well as women's groups.
- -- Focus on the following issue areas: child support enforcement, child day care, and sex discrimination in insurance.

Dr. Lenora Alexander, Director of the Women's Bureau at the U.S. Department of Labor, has expressed her full support in the implementation of the 50 States Project. Specifically, the Women's Bureau has included research for the Project as a part of their agenda. Additionally, the 10 Regional Directors of the Women's Bureau will act as regional contacts for the 50 States Project and will take a leadership role in developing regional and state briefings on the Project.

The 50 States Representatives have expressed a great deal of interest in receiving the final report. Endorsements of the Project have been received from the Pennsylvania Commission For Women and the Federation of Republican Women.

Various approaches have been utilized by the states in removing sex bias in state laws. Most have begun the process by conducting statute searches which encompassed the review of the state's code for gender-based terminology, effect of laws, and/or specific issue areas, i.e. marriage, employment, etc.

According to the survey, 42 states have undertaken statute searches. Of these, 20 states searched their entire code for both gender-specific terminology and discriminatory effect of laws, while 18 states identified only gender-based terminology. Four states searched specific issue areas. Eight states have done no official statute searches. Of these eight, Alaska and Colorado have both passed a state ERA, although neither state has taken an official search. However, according to the Alabama 50 States Representative, a professor of law at the University of Alabama did do a study on the impact of ERA on Alabama's laws in 1978.

Just as various kinds of statute searches have been undertaken, the groups conducting the searches and the legislative methods used to effect corrective changes have been diversified.

Groups have ranged from law students to professors at various universities, to official commissions appointed by the Governor or state legislature. Although the majority of the searches were conducted by either legislative offices or the state's Commission on Women, it was pointed out on several occasions that resources and support was also made available by local universities, schools of law, and women's organizations. As an example, the State of Utah has a committee to implement the 50 States Project, but will be receiving staff support from Brigham Young University.

Legislative methods used to effect change have encompassed comprehensive legislative packages dealing with all identified cases of sex discrimination; including effect of laws and gender-based terminology; omnibus bills eliminating gender-

<sup>1.</sup> Arkansas, Connecticut, Delaware, Illinois, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Mexico, New York, North Carolina, Pennsylvania, Utah, Washington.

Arizona, Georgia, Hawaii, Indiana, Iowa, Kentucky, Nevada, New Jersey, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, Wyoming.

<sup>3.</sup> Arkansas, Maine, South Carolina, Vermont.

<sup>4.</sup> Alabama, Alaska, Colorado, Florida, Idaho, Kansas, Mississippi, South Dakota.

based terminology; legislation addressed at specific laws on a priority basis or an omnibus bill along with specific bills aimed at problem areas. According to the survey, eight states have passed comprehensive legislative packages. Twelve states passed omnibus bills, as well as specific bills addressing impact of specific laws. Four states have utilized only omnibus bills and 20 states are addressing the problems of sex discrimination in the statutes by focusing on specific laws. To insure that new legislation is not sex discriminatory, 36 states have established ongoing monitoring systems.

Twenty six states have already revised their rules and regulations or are in the process of doing so.

A total program should encompass all of the above mentioned areas: statute searches, corrective legislation, revision of rules and regulations, and a monitoring system of new legislation. The 50 States Project staff will work with the Governors in each of these areas in an effort to change state laws that discriminate against women.

- o In his first two years in office, President Reagan has selected more women to serve in top full-time policy positions than any other President in history during a comparable time period.
  - -- President Reagan has selected 94 women for Presidential appointments, compared to the previous Administration's 76.
  - -- He has selected 138 women for Senior Executive Service positions.
  - -- He has selected 136 women for Schedule C jobs, at levels GS-15 and above.
  - -- In addition, he has selected nearly 300 women for part-time Presidential advisory boards.

#### o Examples.

- -- Sandra Day O'Connor, Associate Justice of the U.S. Supreme Court (first woman in history on the U.S. Supreme Court).
- -- Jeane Kirkpatrick, Ambassador to the U.N. (first woman with ambassadorial rank to represent the U.S. in the U.N.).
- -- Elizabeth Dole, Secretary-designate of Transportation.
- -- Margaret Heckler, Secretary-designate of Health and Human Services (together with Kirkpatrick and Dole, Heckler's confirmation will make a total of three women in the Cabinet -- an all-time historical record).
- -- In addition, women serve as <u>directors of four major</u> federal agencies:
  - \* Environmental Protection Agency.
  - \* Peace Corps.
  - \* Consumer Products Safety Commission.
  - \* U.S. Postal Rate Commission.

Headstart is accounted for below.

## BUDGET ITEMS OF CONCERN TO WOMEN IN THE WORK FORCE

Office of Managemnt and Budget January 21, 1983

	19	(\$ in m	illions)	084	
Programs	ВА	0	BA	0	
rk Incentives Program (WIN)	\$ 281	\$ 293	\$ 0	\$ 0	The 1984 budget replaces WIN with a Community Work Experience Program (CWEP) requirement for States. Currently, CWEP for AFDC recipients is optional for States. While these programs help reduce welfare dependency most States have not implemented them. Under the 1984 budget proposal, States would be required to develop one comprehensive plan which would ensure that all able-bodied AFDC recipients register to participate and actually do participate in work. CWEP will provide increased availability of child day care because jobs funded by this program will include day care thus increasing opportunities for other AFDC mothers to gain employment. (Note that the 1984 Budget proposes to mandate workfare for Food Stamp recipients also.)
rk Study	540	568	850	545	* This program provides part-time employment to financially needy students to finance a portion of their postsecondary education. Many of the part-time jobs financed under this program are for child care services.
tle XX (Social Services Block Grant)	2,450	2,571	2,500	2,500	* Day care is an authorized activity under the Social Services Block Grant. No information is currently available as to the amount of funds allocated to day care or any other authorized activity. However, this spring the Association of Public Welfare Administrators will implement a voluntary reporting system on the allocation of funds among the authorized activities. In the future we may be able to provide information on the Title XX funding levels of day care.
nb Training Partnership Act (JTPA)	\$3,700	\$3,600	\$3,600	\$3,600	* JTPA legislation includes language which requires that AFDC recipients be served on an equitable basis. AFDC recipients who are required to complete a job search can be trained with JTPA funds. JTPA requires that 90 percent of the Adult and Youth Program participants in each service delivery area must be economically disadvantaged. However, up to 10 percent of participants may be individuals who are not economically disadvantaged. This latter group includes displaced homemakers who may receive various types of job training. The funding level requested in 1984 for the Adult and Youth Program section of JTPA is \$1,886 million
nild Nutrition Assistance Grant Child Care Feeding Program Summer Feeding Program School Breakfast Program	286 100 327 713	286 100 327 713	1,093 180 102 346 628 x85	1,093	* The 1984 budget proposes to consolidate the Child Care Feeding, Summer Feeding and School Breakfast Programs. The 1984 funding base would be the sum of the current services level of Child Care Feeding less \$115 million for family day care homes and \$76 million for Headstart, and the Summer Feeding and School Breakfast Programs. The 1984 funding level would be 85 percent of this base. The funding for family day care homes was excluded from the Child Care Feeding base because some evidence suggests it was not serving a needy population. However, the consolidation will permit States to use funds for family day care homes if they so choose. The \$76 milly on excluded from the Child Care Feeding base reflects the 1984 proposal to transfer these funds to Headstart. The 1983 numbers for Child Care Feeding reflect \$72 million transferred to Headstart for comparability. The transfer to

	(\$ in millions) 1983 1984			
Programs	BA	0	ВА	0
col Lunch	\$2,703	\$2,690	\$2,712	\$2,698
munity Services Block Grant	360	360	3	3
				6.7
dstart	984	991	1,051	974
· · · · · · · · · · · · · · · · · · ·	160	160	156	159
ld Welfare Services and Training	160			
ster Care	395	395	440	440
option Assistance	5	4	5	5
ninistration on Aging Programs (AOA)	1,054	1,041	998	897
and the second			Land Company	
ld Support Enforcement (CSE)	\$ 471	\$ 456	\$ 415	\$ 436
			•	
mmission on Civil Rights	12	12	12	12
mitssion on civil kighes				· · · · · ·
				. 100
ual Employment Opportunity Commission (EOC)	\$ 147	\$ 141	\$ 155	\$ 153
men's Bureau	- 4	3	4	3

- \* The only major change in the school lunch program, other than the freeze proposal, will be to have eligibility determined by State Food Stamp offices rather than by schools. These numbers include commodities purchased with the Agriculture Marketing Service (AMS) Section 32 funds.
- The 1984 budget proposes not to fund this block grant in 1984 and outyears. States would have the flexibility to fund community services activities under the Social Services Block Grant for which a \$50 million increase is requested. The \$3 million requested in 1984 is for closeout of the Community Services Block Grant. The 1983 numbers include \$6 million for the closeout of the Community Services Administration.
- \* The 1984 budget includes \$76 million transferred to Headstart from the Child Care Feeding Program. The 1983 numbers for Headstart include \$72 million transferred from the Child Care Feeding Program for comparability.
- \* The 1984 budget proposes to include funds for the USDA Elderly Feeding Program and the DOL Senior Community Services Employment Programs in ADA. For comparison, the 1983 numbers are adequate to include \$100/100 million for the Elderly Feeding Program and \$282/278 million for the Senior Community Services Employment Program.
- \* This program is designed to enforce support obligations owed by absent parents to their children. The 1984 budget includes a restructuring of the Federal financing arrangements to a business type arrangement with States to encourage them to obtain support payments in order to reduce dependence on the AFDC program. The Federal share of CSE collections from absent AFDC parents is estimated to be \$344 million in FY 1983 and \$425 in FY 1984. In addition, collections are made for delinquent child support from absent parents in AFDC cases through IRS intercepts of tax refunds. In tax year 1981, \$166 million was collected from 250,000 cases. The 1984 budget also requires States to seek medical care support as well as financial support through court orders for children of absent parents.
- \* The Commission on Civil Rights plans to conduct hearings on Title IX of the Education Amendments of 1972 prohibiting discrimination based on sex under any education program or activity receving Federal financial assistance. This project spans FY 1983 and FY 1984.
- \* The EEOC is responsible for the enforcement of Federal laws which prohibit employment discrimination based on race, sex, religion, national origin, age or handicapped status.
- \* The goal of the Women's Bureau is to increase national productivity by increasing family income through the contribution of working women to the economy. Specifically, it develops program initiatives to address the employment and training needs of women, provides technical assistance to employers and others at the local level, and responds to the ever-increasing demand for information related to women's employment.

	(\$ in m	illions)
Tax Expenditures (Revenue Losses)*	1983	1984
ductions for a Married Worker When	\$3,500	\$6,200
ith Work	33,300	30,200
ependent Care Tax Credit	1,500	1,800
	(200)	(200)

- \* This provision, enacted in the Economic Recovery and Tax Act of 1981, allows a married couple in which both spouses work to claim a special deduction of five percent of net earnings up to \$30,000 of the spouse with the lower earnings in tax year 1982. The deduction is increased to 10 percent in tax year 1983.
- \* The Economic Recovery and Tax Act of 1981 (ERTA) increased the tax credit for dependent care from a flat 20 percent of \$2,000 for one dependent or \$4,000 for two or more dependents to 20-30 of up to \$2,400 or \$4,800 depending upon the actual amount of dependent care expenditures incurred and amount of adjusted gross income. If adjusted gross income is less than \$10,000 then the credit percentage is 30 percent, decreasing one percentage point for every \$2,000 of income to 20 percent for an adjusted gross income of \$28,001 or more. ERTA also provides that the value of employer-provided child care services under a written nondiscriminatory plan are not taxable to employees. The value of services excluded from an employee's gross income may not exceed his or her earned income or, in the case of a married couple, the earnings of the spouse with the lower earnings. (Numbers shown in parentheses represent the revenue losses resulting from changes in ERTA.)

The revenue losses are Treasury estimates prepared for the fall review. The numbers appearing in the 1984 budget for the Dependent Care Tax redit are different than those shown above because the budget numbers are outlay equivalents. Revenue losses are used above because tax rependitures for two-earner couples cannot be converted to outlay equivalents.

## o Reducing the "marriage tax penalty."

## - The problem.

- Prior to 1981, married couples filing jointly were taxed at substantially higher marginal rates than were two single individuals earning the same income. Thus, the marriage tax penalty actually served to discourage couples from marrying.
  - Because women generally entered the labor force after their husbands had, their income was, for tax purposes, added on top of their husbands' income. Women thus faced <u>much higher marginal tax rates</u> beginning with their first dollar earned -- a significant disincentive to working outside the home.

## -- The solution.

- The tax changes approved in the President's 1981
  Economic Recovery Tax Act greatly reduce this penalty
  by allowing a partial deduction from married couple's
  combined salaries, thereby permitting a two-earner
  couple to keep more of what they earn.
- A typical two-earner family, for instance, will save up to \$300 per year in taxes when the plan is fully in effect in 1984.
- o Expanding IRA participation.

## The 1981 tax act

- \* Removed the 15% income limitation on IRAs.
- \* Increased the limits for contributions to IRAs from \$1,500 to \$2,000 per year.
- \* For the first time, permitted any working American to have an IRA account, even if the employer also provided its employees with a private pension or retirement plan.

## These steps will:

- \* Be of great help to women working outside the home and saving for their retirement.
- \* Permit employed spouses to contribute \$500 or more each year to spousal accounts, which will aid non-paid spouses who work as homemakers.

## o Reducing the estate tax.

- -- The virtual elimination of the estate tax, enacted last year, is also of particular benefit to women, since they outlive men by an average of eight years.
- In the past, many women who had worked alongside their husbands building a family farm or business were forced to sell it when their husband died in order to pay the estate taxes.
  - -- The new law will prevent this from occuring by: )
    - Providing for unlimited property transfers between spouses.
    - Raising the tax exemption on inherited property from \$175,625 in 1981 to \$600,000 by 1987, thus preserving intact some 99.7% of all estates.
- o Increasing the tax credit for child care expenses.
  - -- For parents who earn less than \$10,000 per year, the credit will rise from \$400 to \$720 per child.
  - -- The credit is then scaled back by one percentage point for each additional \$2,000 of income above \$10,000. For parents with incomes of \$28,000 or more, the allowable credit remains fixed at \$480 per child.
- o Facilitating day care.
  - -- The 1981 Economic Recovery Tax Act provides <u>incentives</u> for employers to include prepaid day care in their employee benefit packages.
  - -- It also raises the dependent care tax credit from \$4,000 to \$4,800.
- o Protecting incomes from inflation.
  - -- The indexing of the income tax to inflation, approved in 1981 and taking effect in 1985, will be of significant help to women whose income increases over time.
  - -- No longer will inflation be allowed to force taxpayers into higher tax brackets, thus hindering women's advance up the economic ladder.

- o Making poverty calculations equitable.
  - -- Previously, the poverty level had been higher for men than for women, thereby understating the proportion of women experiencing financial hardship.
  - -- To correct this inequity, the Reagan Administration instituted a <u>sex-neutral definition of poverty</u> to ensure that women are evaluated by the same assistance criteria as are men.
- o Protecting the financial security of military wives.
  - -- The President, in 1982, signed into law the <u>Uniformed</u> Services Spouses' Protection Act.
  - Because military wives must move frequently to satisfy the career requirements of their husbands, they find it difficult or impossible to establish an independent career that would qualify them for a pension.
    - The new law will correct the previous practice by allowing state courts to divide military retirement benefits in divorce settlements.
  - -- By thus recognizing the economic contributions that both homemakers and wage-earning wives have made to marriages, the law will strengthen the long-term financial security of military wives.
- o Making work schedules more flexible.
  - -- The President, on July 23, 1982, signed the Flexible and Compressed Work Schedules Act of 1982, which will permanently allow federal agencies to adopt "flexitime" schedules for their employees.
  - -- Under flexitime, federal agencies may permit employees to arrange their work hours on a more flexible basis in order to meet their personal needs.
  - -- As the President stated when signing the bill, institutionalizing flexitime will be "particularly important to working mothers who used the flexibility in scheduling work hours to help them meet their responsibilities both at home and at the office."

## Background

Because of time constraints and the urgent priority of restoring solvency to the Social Security program, fundamental changes to the system, such as earnings-sharing, were not addressed by the National Commission on Social Security Reform (NCSSR). Rather, marginal benefit changes were made that, while not affecting very large numbers of women (except for liberalization of disabled widow(er)'s benefits) do correct certain unintended inequities in the system.

The following analysis outlines the current law with respect to these areas and the NCSSR recommendations.

## Analysis

- o <u>Current law</u> permits the continuation of benefits for <u>surviving spouses</u> who remarry after age <u>60</u>.
  - -- The NCSSR recommends that such benefit eligibility be liberalized to include:
    - \* Disabled surviving spouses aged 50-59;
    - \* Disabled divorced spouses aged 50-59;
    - \* Divorced surviving spouses aged 60 or over.
    - \* Note: This recommendation will help alleviate the problem of many older persons having to "live in sin" to avoid losing spousal benefits.

## -- Costs.

- \* Short-range (1983-89) cost: \$.1 billion
- \* Long-range (75-year) cost: --
- o <u>Current law</u> provides that spouse benefits are not payable to <u>divorced spouses</u> aged <u>62 or over</u> unless the former spouse has claimed benefits.
  - -- The NCSSR recommends that as long as the divorced spouse has satisfied the 10-year marriage requirement, she/he will be eligible for benefits as soon as her/his former spouse (primary beneficiary) becomes eligible for benefits.
  - -- Costs.
    - \* Short-range (1983-89) cost: \$.1 billion
    - \* Long-range (75-year) cost: .01% of taxable payroll

- o <u>Current law</u> states that if a worker dies before reaching age 62, <u>deferred survivor benefits</u> for the widow(er) are based on the worker's earnings, indexed to average wage levels up to the second year preceding death. Subsequent benefit adjustments reflect changes in the CPI.
  - -- Example: Worker dies at age 60 leaving 55-year-old widow(er). Surviving spouse would not be eligible for benefits until age 60. Worker's benefit would be indexed up to age 58 (2 years before death) and subsequently adjusted to reflect price (CPI) changes until the surviving spouse became eligible (5 years).
  - -- The NCSSR recommends that instead of indexing the worker's benefit to CPI changes until the widow(er) becomes eligible to claim, that average wage growth be used.
    - \* The rationale is simply that if the worker had not died, his (and his spouse's) benefits would have reflected average wage growth until he reached age 62.
    - \* As the benefit is supposed to reflect a certain proportion of wage replacement, it makes no sense to treat this particular situation differently than others.

#### -- Costs.

- \* Short-range (1983-89) cost: \$.2 billion
- \* Long-range (75-year) cost: .05% of taxable payroll
- o Under <u>current law</u> disabled widow(er)s are eligible for <u>reduced benefits</u> at ages 50-59, in the sum of 50% of the worker's benefit. Non-disabled widow(er)s, without dependent children, are eligible for reduced benefits at age 60, in the sum of 71-1/2% of the worker's benefit.
  - -- The NCSSR recommends that the reduced benefit for disabled widows, available at age 50, be raised to the 71-1/2% level.

#### -- Costs.

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- \* Short-range (1983-89) cost: \$1.0 billion
- \* Long-range (75-year) cost: .01% of taxable payroll

#### SEXUAL EQUALITY IN PENSION BENEFITS

## o Background.

- -- The Supreme Court ruled in the Manhart case in 1978 that female employees could not be required to make larger pension contributions than similarly situated males.
- -- Since the Supreme Court ruling, virtually <u>all lower</u> <u>federal courts</u> have held that <u>equal benefits</u> are required along with equal contributions.

## o Impact of the rulings.

- -- Because women as a group live longer than men, insurance companies have traditionally made their calculations based on sex-segregated actuarial tables.
- -- The costs of moving away from sex-segregated tables can be substantial, depending on the type of pension plan in question, and depending on the extent to which the courts order retroactive application of sex-neutral benefits.
- -- There is some fear that the courts' handling of this issue could jeopardize the financial solvency of certain pension plans, principally state and local plans.
- o The Supreme Court has an opportunity to address these issues during the current term.
  - -- It has <u>already agreed to hear</u> one case (<u>Norris</u>) in which some of the more important concerns are raised.
  - -- It now has before it an appeal from another lower court ruling in a similar case (Spirt v. TIAA/CREF and Long Island University).
  - -- After consultation with federal agencies having an interest in this area, the Department of Justice has decided to file a brief urging the Court to hear this second case. The Department's brief will argue:
    - \* Title VII of the Civil Rights Act (which prohibits discrimination on account of sex) requires equal benefits as well as equal contributions.
    - \* It is not necessary at this time to decide whether the insurer as well as the employer should be liable under Title VII.

- \* In ordering remedies, the Court should pay heed to the varying costs of different remedies, possible conflicts with other federal statutes (such as ERISA), and the impact on the financial solvency of pension plans.
- o The President will be offering pension legislation in the near future.

## o Background of the issue.

- while there are no federal child care regulations, unnecessary state and local regulations and restrictions on day care make it difficult for neighborhood groups and private organizations to provide child care.
- In the 1981 Budget Reconciliation Act, the major federal day care program was <u>folded into the Social Services</u>
  Block Grant.
  - \* States now may decide whether to run or fund a day care program, and on the appropriate funding level.
  - \* Rather than reduce or eliminate child care programs, states may staff them with individuals in workfare and work-study programs.
- -- Federal laws provide tax breaks for child care. The 1981 Economic Recovery Tax Act increased tax credits to working parents, and provides that employer contributions for child care are not taxable to employees.
- -- In conjunction with the Ford Foundation and the Rockefeller Foundation, the Women's Bureau in Department of Labor is currently funding four demonstration projects to induce employers to provide day care services for working women.
- o The President announced in his State of the Union address that he will take steps to encourage the expansion of private community child care.
  - -- The Administration will identify and disseminate information on models of effective private child care that eliminate unnecessary state and local restrictions on its provision by neighborhood groups and private individuals.
  - -- The Administration will encourage private employers to provide child care by a variety of means including day-care vouchers, referral services, educating the employer about tax incentives, and on-site day care.
  - -- The Administration will encourage states and localities to provide child care through workfare and work-study programs employing welfare recipients and college students, respectively.

White House Office of Policy Information

# SSUE ALERT

Washington, D.C.

Number 8

November 15, 1982

#### CHILD SUPPORT ENFORCEMENT PROGRAM

## Background

In 1975, Congress established the Child Support Enforcement Program (CSEP). This program, modeled after the highly successful initiative launched in California by Governor Reagan, is designed to enforce support obligations owed by absent parents to their children. The CSEP has three major functions: (1) locating absent parents; (2) establishing paternity; and (3) obtaining support payments in order to reduce dependence on the Aid to Families with Dependent Children (AFDC) program and thereby constrain welfare costs.

This <u>Issue Alert</u> examines the extent of the absent-parent problem, the operation of the Child Support Enforcement Program, and CSEP's performance record.

## Analysis

- o The absent-parent problem.
  - -- The dimensions of the problem.
    - \* The number of single-parent families increased by 97% during the past decade.
    - \* Single-parent families now constitute 25% of all families with children.
    - \* 90% of these families are maintained by women.
  - -- The causes of the problem.
    - \* Approximately half of the marriages that took place in the 1970s have ended, or will end, it divorce.
    - \* The number of <u>out-of-wedlock births</u> has increased significantly.

- Between 1970 and 1979, the number of out-of-wedlock births rose by 50%, from 400,000 to 600,000 per year.
- During this time, out-of-wedlock births as a proportion of total U.S. births climbed from 10.7% to 17.1%.

## -- The plight of women-headed, single-parent families.

- \* According to a 1978 Census Bureau study, only 59% of women potentially eligible to receive child support awards have been granted them.
- \* Of those awarded child support by the courts:
  - Only 49% received from the absent father the <u>full</u> amount due them.
  - 23% received less than the full amount owed them.
  - 28% received nothing.

## -- The effect: a higher welfare burden.

- \* Almost 87% of all AFDC recipients are eligible for welfare assistance because of the absence from the home of a living parent.
- \* In fact, the single-parent family is the most significant new factor in the nation's high poverty level and growing social spending.
- -- The problem threatens to grow worse over the next decade.
  - \* By the 1990s only 56% of the children in the U.S. will spend their entire childhood living with both natural parents.

## o How the Child Support Enforcement Program works.

## -- General characteristics.

- \* CSEP is designed to assist single-parent families in collecting the child support money owed them, and thereby reduce the financial burden on the welfare system.
- \* The responsibility for administering CSEP is divided between the federal government and the states.
- -- The federal responsibilities for CSEP are carried out by the Office of Child Support Enforcement (OCSE), which audits and controls the funding and distribution of collections generated under the program. OCSE also provides:

- \* Federal matching funds at the rate of 90% for the costs of developing, implementing and enhancing automated child support management information systems.
- \* Federal reimbursement to states at the rate of 70% of the costs incurred in providing support enforcement services under a state plan.
- \* Incentive payments equal to 15% of amounts which are collected on behalf of individuals receiving AFDC.
  - For example, states which have a 50-50 AFDC participation rate receive 65% of the amount of child support collected as a result of state enforcement efforts.
  - Note: Incentive payments were reduced to 12% of amounts collected after October 1, 1983.
- \* A <u>Parent Locator Service</u> to assist states in securing support payments, establishing paternity, enforcing child custody, and dealing with parental kidnapping.
- \* Technical assistance to states and localities.

## -- State responsibilities under CSEP include:

- \* Administering the program through a designated organizational unit.
- \* Establishing paternity and securing support for individuals who apply for child support enforcement services.
- \* Establishing a state parent locator service.
- \* Cooperating with other states in locating absent parents, establishing paternity and securing support payments.

## -- Other aspects of CSEP.

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- \* The IRS can disclose, to appropriate agencies, income tax information to assist in collecting support obligations and locating individuals owing such obligations. The confidentiality of the information is maintained at all times.
- \* The Department of Treasury can collect past-due child support through a federal tax refund offset.
- \* U.S. District Courts can enforce court orders for child support when one state has failed to enforce the court order of another and the federal courts are the only

- \* Federal salaries, pensions and income from other sources are subject to garnishment for support.
- o The success of CSEP to date.
  - -- Prior to the establishment of the Child Support Enforcement Program, there was no concerted or coordinated effort to obtain child support from absent parents.
  - -- CSEP, in just six full fiscal years, has produced significant results:
    - \* Collections.
      - Total child support collected has exceeded \$7 billion.
      - More than \$3 billion has been collected in AFDC recoveries.
      - Annual collections increased from \$500 million in FY 1976 to \$1.6 billion in FY 1981.
    - \* More than 600,000 children have been legitimized.
    - \* More than 1.6 million enforceable orders have been promulgated.
- o Despite the CSEP's success thus far, however, much room remains for improvement.
  - -- Program performance varies widely from state to state (see Table 1).
    - \* In the ten states with the best record for child support enforcement, the percent of AFDC payments recovered for child support averaged 10.2% in FY 1981 compared to 2.5% for the ten states with the worst record.
    - \* The ten states with the best record for collecting child support from absent parents on behalf of AFDC recipients have been able to collect payments from 27% of the absent parents, as opposed to only 3.5% in the ten states with the worst record.
    - \* In the ten states with the best record for child support enforcement, the ratio of AFDC collections to total administrative costs is 2.50 compared to 0.51 in the ten states with the worst record.

- \* The 12 states with the best child support enforcement record were responsible for only 16% of all child support expenditures while realizing 87% of the AFDC savings.
- -- There is great potential for significantly increasing child support collections.
  - \* According to a 1982 Stanford University study, most men who are not meeting their child support obligations are capable of doing so, and, indeed, are capable of paying significantly more than the amounts awarded.
  - \* In California, for example, men with incomes between \$30,000 and \$50,000 per year were just as likely to not comply with child support enforcement orders as were those with incomes under \$10,000.
  - \* Thus, the primary reason for the <u>lack of compliance</u> is the <u>absence</u> of -- and the <u>failure to use</u> -- effective enforcement procedures.
- o Accomplishments of the Reagan Administration.
  - -- The Omnibus Budget Reconciliation Act of 1981 authorized collection of past due child support in AFDC cases from any federal income tax refund otherwise destined for the the obligated parent.
    - \* For FY 1982, the initial year of operation, this tax refund offset program produced \$170 million in child support collections.
    - \* The prospects are even more favorable for collections this year.
  - -- OCSE's Parent Locator Service is being improved to handle requests for absent parent location information more quickly and more responsively.

Table 1

## COMPARISON OF CHILD SUPPORT PROGRAM PERFORMANCE

#### FY 1981

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Performance indicator	10 Best States	National Average	10 Worst States	
AFDC payments recovered	10.2%	5.3%	2.5%	
AFDC parents absent from the home paying child support*	27.0%	10.8%	3.5%	
Cost effectiveness**	2.50	1.31	0.51	

Source: Office of Child Support Enforcement.

<sup>\*</sup> The percentage of the total caseload for which some amount of child support was collected during the fiscal year.

<sup>\*\*</sup> Ratio of AFDC collections to total administrative costs.

#### THE WHITE HOUSE

#### WASHINGTON

March 2, 1983

NOTE TO: MIKE UHLMANN

FROM:

NANCY RISQUE

Thought the attached would assist your efforts in regards to Monday's meeting. We discussed most of this today.

Attachment

cc Emily Rock

#### THE WHITE HOUSE

#### WASHINGTON

February 28, 1983

MEMORANDUM FOR: M. B. OGLESBY, JR.

FROM:

JOHN F. SCRUGGS JAS.

SUBJECT:

Women's Issues - Concerns and Required

Action

The following is a list of concerns expressed by Republican women in their February 3rd letter to the President. Also delineated are possible actions to take in response to those concerns.

Review of Justice Department proposals to seriously address the issue of child support enforcement.

In 1975, Congress established the Child Support Enforcement Program (CSEP). The CSEP has three major functions: (1) locating absent parents; (2) establishing paternity; and (3) obtaining support payments in order to reduce dependence on AFDC and thereby constrain welfare costs.

The IRS can disclose, to appropriate agencies, income tax information to assist in collecting support obligations. The Department of Treasury can collect past-due child support through a federal tax refund offset. U.S. District Courts can enforce court orders for child support when one state has failed to enforce the court order of another. However, the primary reason for the lack of compliance is the absence of, and the failure to use, effective enforcement procedures.

ACTION: During the meeting on March 7th the Attorney General should be prepared to present a status report on Justice Department activities in this area. He should also be prepared to discuss proposals being developed to enhance enforcement through the use of U.S. District Courts and the strengthening of CSEP.

Remedy economic disadvantages which are a result of pension inequities and child care burdens.

## A. Pension Inequities

The Supreme Court ruled in 1978 that female employees could not be required to make larger pension contributions than similarly situated males. Since the Supreme Court ruling, virtually all lower federal courts have held that equal benefits are required along with equal contributions.

Because women as a group live longer than men, insurance companies have traditionally made their calculations based on sex-segregated actuarial tables. The costs of moving away from sex-segregated tables could be substantial and could jeopardize the financial solvency of certain pension plans.

The Supreme Court will probably address these issues during the current term and the Department of Justice has urged the Court to do so. The Department's brief will argue

- (1) Title VII of the Civil Rights Act requires equal benefits as well as equal contributions.
- (2) It is not necessary at this time to decide whether the insurer as well as the employer should be liable under Title VII.
- (3) In ordering remedies the Court should pay heed to varying costs of different remedies, possible conflicts with other federal statutes (ERISA) and impact on the financial solvency of pension plans.

ACTION: The Attorney General should be prepared to report on the status of cases pending before the Supreme Court and the rational underlying the arguments in the Department's brief. He should also be prepared to discuss the status of the President's pension legislation and what the Administraton hopes to accomplish with that legislation.

#### B. Child Care

While there are no federal child care regulations, unnecessary state and local regulations and restrictions on day care make it difficult for organizations to provide child care. The 1981 Budget Reconciliation Act folded the major federal day care program into the Social Services Block Grant. The 1981 Economic Recovery Tax Act increased tax credits to working women.

The President announced in his State of the Union address that he will take steps to encourage the expansion of private community child care.

ACTION: During the March 7th meeting an appropriate Administration official should be designated to report on the status of the following initiatives:

(1) The Administration's efforts to identify and disseminate information on models of effective private child care that eliminate unnecessary state and local restrictions.

- (2) Administration's efforts to encourage private employers to provide child care by a variety of means including day-care vouchers, referral services, educating the employer about tax incentives, and on-site day care.
- (3) The Administration's efforts to encourage states and localities to provide child care through workfare and work-study programs.
- (3) Creation of a commission to study the problem of wage discrimination and to develop specific legislative proposals.

ACTION: Before March 7, the President should decide whether to endorse the concept of such a commission. If he decides to do so, the announcement could be made at this meeting.

(4) Women should benefit equally from the math and science improvement initiative.

ACTION: It is expected that the Math and Science bill will have passed in the House prior to this meeting and therefore the issue may be moot. A decision does need to be made on what action the Administration will take in the Senate.

(5) Jobs proposal should have special provisions for women.

Title III of the Job Training Partnership Act allows "displaced homemakers" to receive various types of job training. The funding request for Title III has been increased to \$240 million for FY 1984. The Women's Bureau in the Department of Labor develops program initiatives to address the employment and training needs of women and responds to the demand for information related to women's employment.

ACTION: Designate an appropriate Administration official to discuss Administration initiatives in the employment and training area and in the tax code, specifically designed to assist women seeking employment. Also note any specific provisions in the Employment Act of 1983 designed to assist women.

(6) Further cuts in child nutrition, food stamps and AFDC will have their greatest impact on women.

Almost 87% of all AFDC recipients are eligible for welfare assistance because of the absence from the home of a living parent. In fact, the single-parent family is the most significant new factor in the nation's high poverty level and growing social spending. Most of these single-parent families are headed by women.

ACTION: Designate an appropriate Administration official to respond to these concerns.

Page Four February 28, 1983

(7) Possible Administration endorsement of the Women's Economic Equity Act.

ACTION: The President should be prepared to respond to questions regarding his position on this legislation.

Era: Company of the enacted

DOCUMENT NO. 18162



## OFFICE OF POLICY DEVELOPMENT

STAFFING MEMORANDUM					
DATE: 3/14/83	ACTION/CONCURRENCE	COMMENT DUE BY: 3/17/8	3 Noon		
SUBJECT:	Women's Speech	, ,			
	ACTION FYI	ACT	ION FYI		
HARPER		DRUG POLICY			
PORTER		TURNER [			
BARR		D. LEONARD			
BLEDSOE		OFFICE OF POLICY INFORI	MATION		
BOGGS		HOPKINS [			
BRADLEY		PROPERTY REVIEW BOARD [			
CARLESON		OTHER			
DENEND					
<b>FAIRBANKS</b>					
FERRARA					
GALEBACH					
GARFINKEL					
GUNN					
<b>B. LEONARD</b>					
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MONTOYA					
ROCK					
ROPER					
SMITH					
UHLMANN					
<b>ADMINISTRATION</b>					

**REMARKS:** 

#### THE WHITE HOUSE

WASHINGTON

March 14, 1983

MEMORANDUM FOR MIKE UHLMANN

FROM:

EDWIN L. HARPE

SUBJECT:

Women's Speech

Would you please prepare an outline of 3-4 pages minimum of a speech which the President might give on women's issues. This outline should be delivered to my office not later than Noon, Thursday, March 17th. Please feel free to call on other members of the staff if necessary to help you in completing this assignment on time.

cc: Roger Porter