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*Last Updated: 05/09/2025*

THE WHITE HOUSE

WASHINGTON

CABINET COUNCIL ON LEGAL POLICY

January 16, 1984

2:00 P.M.

Roosevelt Room

AGENDA

1. Legal Equity for Women (CM#185)
2. Immigration Policy (CM#062)
3. Crime Bill Legislation (CM#383)
4. Bankruptcy Judges (CM#283)

CABINET COUNCIL ON LEGAL POLICY

January 16, 1984

PARTICIPANTS

Edward Schmults, Chairman Pro Tempore

Secretary Block

Secretary Heckler

Secretary Dole

Edwin Meese III

Fred Fielding

Loren Smith, Chairman, Administrative Conference of the U.S.

James Baker III

Jack Svahn

Under Secretary Simmons

(Representing Secretary Clark)

Deputy Director Wright

(Representing Director Stockman)

William Niskanen

(Representing Chairman Feldstein)

Michael Uhlmann, Executive Secretary

Thomas Gibson, Associate Director, Office of Cabinet Affairs

For Presentation:

Brad Reynolds, Assistant Attorney General for Civil Rights, DOJ

Jonathan Rose, Assistant Attorney General for Legal Policy, DOJ

Robert McConnell, Assistant Attorney General for Legislative  
Affairs, DOJ

Additional Attendees:

Jack Coutemanche, Deputy Assistant to the President for  
Public Liaison

T. Kenneth Cribb, Assistant Counsellor to the President

Becky Norton Dunlop, Deputy Assistant to the President for  
Presidential Personnel

Richard Neal, Deputy Assistant to the President for  
Intergovernmental Affairs

Pamela Bailey, Special Assistant to the President for Public  
Affairs

Marlin Fitzwater, Special Assistant to the President and Deputy  
Press Secretary for Domestic Affairs

Nancy Risque, Special Assistant to the President for  
Legislative Affairs

C. Boyden Gray, Counsel to the Vice President

Stephen Galebach, Office of Policy Development

Davis Robinson, Legal Advisor, DOS  
Marjorie Waxman, Deputy General Counsel  
Irving Margulies, Acting General Counsel, DOC  
Frank Lilly, General Counsel, DOL  
John Knapp, Acting Under Secretary, HUD

MEMORANDUM

THE WHITE HOUSE  
WASHINGTON

January 15, 1984

FOR: FRED F. FIELDING  
FROM: PETER J. RUSTHOVEN *PR*  
SUBJECT: Cabinet Council on Legal Policy Meeting  
-- Task Force on Legal Equity for Women

① Release  
② why so long?  
③ skip for completion of statute  
④ Re-staff & chair =

This weekend, we received from Craig Fuller's office background materials on four topics, including the Task Force on Legal Equity for Women (the "Task Force"), that will be discussed at a meeting of the Cabinet Council on Legal Policy (the "CCLP") at 2:00 p.m. this Monday, January 16.

The background material on the Task Force is a January 13 memorandum for members of the CCLP from Deputy Attorney General Ed Schmults, which:

- (1) summarizes the Task Force's work to date in identifying and correcting sex-discriminatory language in Federal statutes, regulations, policies and practices, as set forth in the four "Quarterly Reports" that have been submitted to the President by the Attorney General under Executive Order No. 12336 (1981), which established the Task Force;
- (2) attaches the most recent of these Quarterly Reports, submitted in December 1983, consisting of an agency-by-agency summary of reviews of statutes, regulations, policies and practices for sex-discriminatory language; and
- (3) describes recommended future actions, including
  - (a) working for passage of S. 501, an omnibus bill designed to eliminate sex-discriminatory language from a variety of Federal statutes,
  - (b) speeding completion of the Executive Branch review process, by instructing agencies to complete their reviews by March 15, 1984, so that the Attorney General can submit his final Quarterly Report by mid-April, and
  - (c) filling current vacancies (including the position of "chairperson") on the Task Force itself, which consists of representatives of 21 Executive entities specified in the Executive Order.

As the foregoing summary suggests, none of the items covered in the Schmults memorandum appears to involve issues of great moment or controversy. Rather, the memorandum seems to be consistent with Administration policy on this subject (as reflected in, inter alia, previous documents involving the Task Force that I have reviewed), and the specific recommendations for future action do not appear to present any legal or other substantive problems.

I would expect that this item will consume relatively little time on Monday's CCLP meeting agenda, and that more attention will be devoted to Immigration Policy and Crime Legislation (both being reviewed by John Roberts) and the Bankruptcy Judge issue (being reviewed by Sherrie Cooksey).



*Prange - Senate*  
+ →

THE WHITE HOUSE  
WASHINGTON

January 16, 1984

*What new + define  
in House?*

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cabinet Council on Legal Policy: Status  
of Administration's Anti-Crime Legislation

The status of the Administration's anti-crime legislation has been included on the agenda of today's meeting of the Cabinet Council on Legal Policy. The attached memorandum from the Deputy Attorney General focuses on S. 1762, which includes all of the President's anti-crime proposals except habeas corpus reform, exclusionary rule reform, the death penalty, and the Tort Claims Act amendments. The bill has been reported out of the Senate Judiciary Committee and is co-sponsored by Senators Thurmond, Laxalt, Biden, and Kennedy, pursuant to an agreement that the four would resist all amendments to the bill. Senator Baker was willing to let S. 1762 reach the floor last year, but only if a time agreement could be reached. Senator De Concini would not agree to a time agreement that did not allow floor consideration of the death penalty, and death penalty opponents would not agree to a time agreement allowing debate on that issue.

Schmults argues that the best chance for passage of significant anti-crime legislation is to secure Senate passage of S. 1762 (virtually assured if it can be brought to a vote) and then use S. 1762 as a vehicle for putting pressure on the House. If the House refuses to act, at least the blame for failure to secure anti-crime legislation will be squarely placed on the Democrat-controlled House as the election approaches. Putting the ball in the House's court by fall, however, requires prompt Senate action. Schmults recommends that the question be put on the agenda of the legislative strategy group, so the members of that group can consider what steps to take to urge Senator Baker to bring S. 1762 to the Senate floor, a move that will probably require time for debate on the death penalty issue.

In sum, there is nothing new to report on the fate of the Administration's anti-crime legislation. Justice has included it on the agenda in an effort to secure a greater commitment of White House energy and resources to its passage.

Attachment

THE WHITE HOUSE

WASHINGTON

January 16, 1984

*Shackman memo -  
give me:  
veto + O'Neill*

MEMORANDUM FOR FRED F. FIELDING

FROM: JOHN G. ROBERTS *JGR*

SUBJECT: Cabinet Council on Legal Policy: Status of  
the Administration's Immigration Reform  
Legislation

The status of the Administration's immigration reform legislation has been placed on the agenda of the Cabinet Council on Legal Policy meeting scheduled for 2:00 p.m. today. The Deputy Attorney General has prepared a memorandum for the members of the Cabinet Council, reviewing the background and current status of the Simpson-Mazzoli bill, and outlining the major unresolved differences between the Senate and House versions. The legislation has passed the Senate, and the House version has been favorably reported out of the House Judiciary Committee. Three other House committees have reviewed the bill and recommended substantive amendments. The House Rules Committee must now establish a procedure for floor consideration. Speaker O'Neill, in a volte-face, has promised to bring the bill to the floor in early 1984.

The two principal differences between the Senate and House versions are money and timing of legalization. The Senate bill would establish a block grant program to aid the States in meeting the welfare costs of legalized aliens. The Administration has committed to fund this program at \$1.4 billion for five years. The House bill authorizes full Federal reimbursement to the States of the cost of legalization, at an OMB-estimated cost of \$11.2 billion for five years.

With respect to the related issue of timing of legalization, the Senate bill provides permanent resident status for illegal aliens who continually resided in the United States since before 1977, and temporary resident status for aliens who arrived before 1980. Ineligibility for federal benefits would extend for three years after permanent resident status, six years after temporary resident status. The House bill would provide permanent resident status to any alien who arrived in the United States before 1982. Schmultz's memorandum reviews the other, less significant differences between the Senate and House bills, primarily in the details of the temporary worker program and the administration of employer sanctions. The memorandum



concludes on an optimistic note, contending that the strength of the Senate vote on the Administration-favored version (76-18) augurs well for resolving many of the differences between the Senate and House bills in the Administration's favor in conference.

David Stockman has submitted a memorandum of his own, raising serious budgetary and policy concerns about both the Senate and House bills. His main concern is the multi-billion dollar cost of either version. Stockman argues that the conference outcome is likely to be an "unacceptable" \$11.7 billion for 1984-89, and that unless the Administration acts forcefully before the bill is scheduled for House action, it will be "too expensive."

Stockman's language strikes me as irresponsibly loose, in light of the circumstances surrounding the fate of the Simpson-Mazzoli bill. Speaker O'Neill torpedoed the bill last year because of an alleged plan by the President to veto it, and only agreed to floor consideration this year after assurances that his fears were absurd. Now Stockman circulates a memorandum on the bill laced with words such as "unacceptable" and "too expensive." Perhaps it would be wise to admonish the Cabinet Council participants to be particularly circumspect concerning the confidentiality of the memorandum, if that will do any good. Obviously the Administration should work to eliminate the expensive House amendments, but the President is committed, as a practical matter, to signing anything that reaches his desk and looks remotely like Simpson-Mazzoli.

Attachment

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 14, 1984

FOR: FRED F. FIELDING

FROM: SHERRIE M. COOKSEY *SMC*

SUBJECT: Cabinet Council on Legal Policy:  
Status of Bankruptcy Courts Legislation

The status of the bankruptcy courts legislation is one of the issues to be addressed in the Monday afternoon Cabinet Council on Legal Policy meeting. I had understood that Justice would be recommending options for Administration action if the bankruptcy court dilemma is unresolved when the Emergency Rules expire on March 31, 1984, and legislative proposals for breaking the current deadlock on the bankruptcy courts legislation; however, neither of those questions are addressed in the attached Justice memorandum. Instead, Justice has simply submitted an informative report that raises interesting and significant questions but offers no answers.

I find it very frustrating that, at this date, Justice is only identifying problems and not posing any solutions to the current bankruptcy court dilemma. Admittedly, the answers to this problem are complicated by the number of players involved (e.g., the various factions within the Congress, and the courts) and the stated policy positions of those players; nevertheless, in my opinion, the Administration must be prepared to state its views on what will happen with the expiration of the transition period on March 31, 1984, and what it recommends as alternative solutions if Congress does not act to resolve this problem. A discussion of possible solutions should include:

- (a) Do we simply want to extend the transition period of the Bankruptcy Reform Act of 1978 (the "Reform Act")? (I see serious drawbacks to this option.)
- (b) Do we want to work with the Administrative Conference of the Courts to devise an acceptable temporary judicial resolution of the problem?
- (c) Do we want to assert the dubious Presidential authority, effective April 1, 1984, to appoint however many bankruptcy judges we need (see discussion infra)?
- (d) Do we want to try to broker a compromise between House and Senate leaders on this issue before the March 31 deadline? *\* \**

## ISSUES ADDRESSED BY JUSTICE

### A. CURRENT STATUS OF THE BANKRUPTCY COURTS

The bankruptcy courts are currently operating under the transition provisions of the Reform Act and the Emergency Rules adopted in each judicial district as a result of the Congress' failure to act during the Supreme Court's two stays of its decision in Northern Pipeline Construction Co. v. Marathon Pipe Line Co., 458 U.S. 50 (1982) (referred to by Justice as the "Marathon case"). The transition provisions of the Reform Act, however, expire on March 31, 1984, and with them the statutory basis for the Emergency Rules also expires.


### B. EFFECT OF CONGRESSIONAL INACTION ON BANKRUPTCY JURISDICTION AND JUDGES

Because Congress never fully implemented the Reform Act, by creating the new judicial positions called for by the Act, there is a question of whether the President may exercise his authority under 28 U.S.C. § 152, effective April 1, 1984, to appoint, by and with the advice and consent of the Senate, new bankruptcy judges after the March 31 deadline. Justice states that this provision could be read as giving the President the power to appoint however many bankruptcy judges he believes are necessary; however, Justice also states that the legislative history of the Reform Act would not support such Executive action and proceeding on such course would be "a provocative and high-risk strategy." Hence, it is unclear where jurisdiction over the heavy bankruptcy caseload will lie on April 1, 1984, and who will be available to handle it. DOJ memo?

Justice reports that all commentators agree that it would be unreasonable to read Marathon as resulting in an elimination of bankruptcy jurisdiction, but that it is far from clear which court has that jurisdiction. It is possible that the bankruptcy courts' jurisdiction may survive in the hands of circuit and district judges designated and assigned, under 28 U.S.C. §§ 291 and 292, to serve temporarily on the bankruptcy courts. If, however, the bankruptcy courts' jurisdiction is held invalid under all circumstances, Justice states that the district courts probably could act on bankruptcy matters pursuant to their bankruptcy jurisdiction under 28 U.S.C. § 1471(a) and (b), or their Federal question jurisdiction under § 1331; or, failing that, the district courts' jurisdiction under the Bankruptcy Act of 1898 could be revived. Justice concludes that "it is impossible to know the answer definitively until the courts rule."

While bankruptcy jurisdiction will reside somewhere, the same may not be true for the jobs of the bankruptcy judges. Their

terms as judges of the "courts of bankruptcy" expire March 31, 1984. Although it can be argued that the language of § 404(b) of the Reform Act, which provides that a judge's term "shall expire March 31, 1984, or when his successor takes office", would allow the current bankruptcy judges to remain in office until others are appointed to take their places, Justice does not give that language much credence if the Congress has not created any new bankruptcy judgeships by the deadline. Thus, Justice concludes that the greatest problem that will be created by the expiration of the deadline without Congressional action is the how to re-employ the current bankruptcy judges, pay them, and assign them bankruptcy cases.

The judiciary may well be able to devise a scheme to maintain these judges; however, it would require some imaginative (and not wholly sound) judicial interpretations of the Reform Act, and even then the question of paying these judges would still seem to require some Congressional action (as existing appropriations statutes may not lend themselves to the broad interpretations necessary to ensure that these judges are paid for their work). The necessary legislative action may well be in the offing, however, since the Reform Act contained a drafting error which, if not corrected will result in a decrease in most magistrates' salaries from \$65,800 to \$48,500 per year on April 1, 1984. 

### C. LEGISLATIVE STATUS

As you know, there are three bills pending before the Congress that could resolve the current bankruptcy court impasse. H.R. 3 (the Rodino bill) would create 227 "non-fungible" life tenured bankruptcy court judgeships. Justice states that the House Democratic leadership insisted on "non-fungibility" to preclude Reagan appointees to these courts from handling anything other than bankruptcy issues. H.R. 3 is stalled in the House Rules Committee.

S. 1013 (the Thurmond-Heflin bill) was passed by the Senate last April and is languishing in the House Judiciary Committee, where no action on it is expected. It provides for the Presidential appointment of 232 bankruptcy judges with 14 year terms, 75 Article III (omnibus) judges, and substantive bankruptcy law amendments supported by the consumer credit lobby. It addresses the constitutional deficiency of the Reform Act's jurisdictional provisions by providing a recall mechanism for the district courts.

H.R. 3257 (the Kastenmeier-Kindness-Lott bill) is similar to S. 1013, but authorizes the courts of appeals (and not the President) to appoint bankruptcy judges to 14 year terms. It



would create 76 new Article III judgeships, and its sponsors are willing to accept substantive bankruptcy amendments.

Justice states that H.R. 3 is the most clearly constitutional pending legislative proposal and would retain the benefits of the Reform Act by having all aspects of a case heard before a single expert judge. Its deficiency is the number of life-time tenured judgeships it creates -- we may not need 225 bankruptcy judges a few years from now. The principal objections to S. 1013 and H.R. 3257 relate to their constitutionality, and their inefficiencies of case management; however, Justice finds neither of those objections to be fatal flaws.

Although the Speaker has said that Congress will "meet the deadline" for action on the bankruptcy courts, "meeting the deadline" may mean, despite Rodino's strenuous objections, extending the transition period of the Reform Act from March 31, 1984 until after the elections. ]

Rodino believes he can convince the Democratic leadership to support H.R. 3 as long as the new judgeships are not effective until the next Presidential term. However, his proposal is opposed by the Senate, the House Republican leadership, and a number of other House members on both sides of the aisle. In spite of this, Justice suggests that a compromise bill based on H.R. 3 with appointments of judges in the next Presidential year may be possible. (If that is the case, I would recommend that the Administration insist on inclusion of the omnibus judgeships and, possibly, a reduction in the number of bankruptcy judges.)

Justice also suggests that it is possible for a compromise to be fashioned around either S. 1013 or H.R. 3257. If so, Justice would hope to address the efficiency problems posed by those bills in such compromise. Additionally, Justice notes (although somewhat indirectly) that a compromise proposal based on either of these bills would still face a potential for deadlock if it included the substantive bankruptcy law amendments that are adamantly opposed by Rodino.

#### RECOMMENDATION

The CCLP should direct Justice to come back to the table as soon as possible with (1) a proposed Administration position on what will happen to the bankruptcy courts if Congress fails to act by the deadline; and (2) recommendations for obtaining Congressional resolution of this problem, and fallback positions for avoiding a complete disruption of the bankruptcy courts if Congress fails to act before the deadline. You may wish to suggest the options identified on page 1 of this memorandum as items that Justice should specifically discuss in its next presentation on this matter. ✓ ]





HF:

This is original  
copy.

Copies have been  
sent to attorneys  
as indicated below.

THE WHITE HOUSE  
WASHINGTON

CABINET AFFAIRS STAFFING MEMORANDUM

Date: 1/13/84 Number: 168885CA Due By:

Subject: Cabinet Council on Legal Policy - Monday, January 16, 1984

2:00 P.M. - Roosevelt Room

ALL CABINET MEMBERS	Action	FYI		Action	FYI
Vice President	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CEA	<input type="checkbox"/>	<input checked="" type="checkbox"/>
State	<input checked="" type="checkbox"/>	<input type="checkbox"/>	CEQ	<input type="checkbox"/>	<input type="checkbox"/>
Treasury	<input checked="" type="checkbox"/>	<input type="checkbox"/>	OSTP	<input type="checkbox"/>	<input type="checkbox"/>
Defense	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	ACUS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Attorney General	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Interior	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Agriculture	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			
Commerce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Baker	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Labor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Deaver	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HHS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Darman (For WH Staffing)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HUD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Jenkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	McFarlane	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Svahn	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Education	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fielding	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Counsellor	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
OMB	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
CIA	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
UN	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
USTR	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
GSA	<input type="checkbox"/>	<input type="checkbox"/>	CCCT/Gunn	<input type="checkbox"/>	<input type="checkbox"/>
EPA	<input type="checkbox"/>	<input type="checkbox"/>	CCEA/Porter	<input type="checkbox"/>	<input type="checkbox"/>
OPM	<input type="checkbox"/>	<input type="checkbox"/>	CCFA/	<input type="checkbox"/>	<input type="checkbox"/>
VA	<input type="checkbox"/>	<input type="checkbox"/>	CCHR/Simmons	<input type="checkbox"/>	<input type="checkbox"/>
SBA	<input type="checkbox"/>	<input type="checkbox"/>	CCLP/Uhlmann	<input checked="" type="checkbox"/>	<input type="checkbox"/>
			CCMA/Bledsoe	<input type="checkbox"/>	<input type="checkbox"/>
			CCNRE/	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS: The Cabinet Council on Legal Policy will meet on Monday, January 16, 1984 at 2:00 p.m. in the Roosevelt Room.

The agenda will include the following items:

- Legal Equity for Women - PAB
- Immigration Policy - ggr
- Crime Legislation - gme
- Bankruptcy Judges

The briefing papers are attached.

RETURN TO:

☐ Craig L. Fuller  
Assistant to the President  
for Cabinet Affairs  
456-2823

☐ Katherine Anderson  
☒ Tom Gibson

☐ Don Clarey  
☐ Larry Herbolzheimer

Associate Director  
Office of Cabinet Affairs  
456-2800



U.S. Department of Justice  
Office of the Deputy Attorney General

*Peter*

The Deputy Attorney General

Washington, D.C. 20530

January 13, 1984

MEMORANDUM FOR: Members of the Cabinet Council  
on Legal Policy

FROM: Edward C. Schmults  
Deputy Attorney General

SUBJECT: CCLP Meeting -- Task Force  
on Legal Equity for Women

I. Executive Order 12336

Executive Order 12336 of December 21, 1981, established the Task Force on Legal Equity for Women "to provide for the systematic elimination of regulatory and procedural barriers which have unfairly precluded women from receiving equal treatment from Federal activities." (See Tab 1.) Section One of the Order provides that the President shall appoint the Task Force members from among nominees of the heads of 21 specified executive agencies, each of which is to have one representative on the Task Force.

Section Two of the Order provides that each Task Force member is responsible for coordinating and facilitating in his or her respective agency, under the direction of the head of the agency, the implementation of changes ordered by the President in sex-discriminatory federal regulations, policies, and practices. The Task Force is charged with making "periodic reports" to the President on the progress made in implementing the President's directives.

In addition, Section Two of the Order directs the Attorney General to complete a review of federal laws, regulations, policies, and practices which contain language that unjustifiably differentiates, or effectively discriminates, on the basis of sex. The Attorney General is directed to report his findings to the President on a quarterly basis through the Cabinet Council on Human Resources (this function was subsequently transferred to the CCLP).

## II. Attorney General Quarterly Reports

The Attorney General assigned to the Department's Civil Rights Division the task of coordinating the review of sex-discriminatory laws and regulations mandated by Executive Order 12336 and preparing progress reports for transmittal to the White House via the CCLP. The review effort was designed to proceed essentially in two phases: first, the Justice Department was to conduct a review of sex bias in federal statutes and, second, individual agencies were to undertake a review of sex bias in regulations, policies, and practices under their respective jurisdictions.

The Attorney General transmitted the First Quarterly Report to the CCLP on June 28, 1982. This report contained: (1) a list of federal statutes reflecting sex bias (based upon a 1976 computer search performed by President Carter's Task Force on Sex Discrimination); (2) a discussion of selected women's issues; and (3) a summary of efforts made by federal agencies to correct discrimination in laws and regulations.

The Second Quarterly Report, transmitted on December 3, 1982, announced that the Department of Justice had authorized an updated computer-assisted search of the U.S. Code and Code of Federal Regulations and was in the process of coordinating new agency review efforts. These tasks were reported to be "well underway."

The Third Quarterly Report was transmitted to the CCLP in July 1983. This was the final report on federal statutes containing distinctions based on sex, and was the product of the most comprehensive computer-assisted review of the U.S. Code ever undertaken to identify gender-based distinctions. The report also summarized the initial progress made by several agencies in reviewing their regulations and policies for sex-based distinctions.

The Fourth Quarterly Report was transmitted to the White House in December 1983. This Report was a lengthy compilation of reports from 26 agencies summarizing their respective surveys of regulations, policies, practices, field instruments, and publications under their respective jurisdictions. The introduction to the Fourth Quarterly Report, and brief summaries of the individual agency reports (prepared by the Justice Department), are attached at Tab 2.

The thoroughness of the individual agency reports varies widely. Approximately half of the 42 agencies participating in the review process have completed their internal reviews; the others have been asked by the Civil Rights Division to supplement their efforts to date. Several agencies report that they have taken steps to implement their findings through



elimination of sex-discriminatory language in agency documents, and several report adoption of policy statements to ensure that documents drafted in the future will be sex-neutral.

Agencies have already submitted materials for, and the Justice Department is in the process of preparing, the Fifth Quarterly Report. The Civil Rights Division has asked all agencies to complete their reviews by late April, and currently projects that the review procedure mandated by Section Two of Executive Order 12336 will be completed with the issuance of a final Quarterly Report sometime late this spring.

### III. Recommended Future Action

#### A. Legislative Initiative

Part of the work produced by the Department's review process has been embodied in Senator Dole's S. 501, a bill to amend the laws of the United States to eliminate gender-based distinctions. The initial version of S. 501 addressed many of the gender-based distinctions identified by the First Quarterly Report, and, in September 1983, the Administration proposed substantial amendments to S. 501 to eliminate several dozen additional sex-biased statutes identified by the Third Quarterly Report. On November 10, 1983, the Senate Judiciary Committee voted unanimously to report S. 501 to the Senate floor, and is in the process of preparing the Committee Report. No action has taken place on any comparable bill before the House.

The Administration should move actively to obtain passage of S. 501 when Congress returns and to initiate parallel legislation in the House. Specifically, we recommend that the President in his State of the Union Address urge Congress to expedite passage of this legislation.

#### B. The Department's Review Process

As indicated above, the review of sex-discriminatory agency regulations and practices mandated by Executive Order 12336 is currently scheduled to be completed late this spring. We believe, however, that this process can and should be completed more quickly. Thus, we recommend that the President instruct the agencies participating in the review process to complete their reviews by March 15, so that the Attorney General can issue his final Quarterly Report by mid-April.

#### C. Task Force Activity

When the Justice Department's review of the U.S. Code was completed (with the issuance of the Third Quarterly Report), the CCLP and the Justice Department appropriately took the lead in incorporating the results of the review into S. 501. With the completion of the Fourth Quarterly Report, the second part of the

# Presidential Documents

Title 3—

The President

Executive Order 12336 of December 21, 1981

## The Task Force on Legal Equity for Women

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 sex-discriminatory 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.

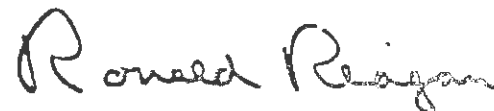
(b) The agency with its representative chairing the Task Force shall, to the extent permitted by law, provide the Task Force with such administrative support as may be necessary for the effective performance of its functions.

(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. 12250, as amended, is revoked.

(b) Executive Order No. 12135 is revoked.

(c) Section 6 of Executive Order No. 12050, as amended, is revoked.



THE WHITE HOUSE,  
December 21, 1981.

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Editorial Note: The President's remarks of Dec. 21, 1981, on signing Executive Order 12250 are printed in the Weekly Compilation of Presidential Documents (vol. 17, no. 52).



The Fourth Quarterly  
Report of the Attorney General  
to the President and the Cabinet  
Council on Legal Policy as Required  
by Executive Order No. 12336

Prepared by the  
Civil Rights Division  
U.S. Department of Justice



## INTRODUCTION AND HIGHLIGHTS

This is the Fourth Quarterly Report of the Attorney General to the President and the Cabinet Council on Legal Policy as required by Executive Order No. 12336. It contains reports from 26 agencies on their reviews of Federal laws, regulations, policies, practices, field instruments, and publications for sex discrimination. Eight of these reports are updates from reports contained in the Third Quarterly Report. Eighteen are the agency's first and in several instances the agency's final report. Preceding each report is a status summary that concisely sets forth the sex discrimination issues, if any, that the agency is addressing and the degree of completion of the agency review.

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Some agencies have submitted two reports.

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\* Reports by these agencies are second and/or third submissions.  
Some agencies have submitted two reports.

## Department of Agriculture

The Department of Agriculture (USDA) administers a wide variety of programs under the authority of numerous Acts of Congress. Programs relate to the growth and cultivation of crops, the raising and slaughtering of livestock and the grading and marketing of certain food products; loans of several kinds, insurance, housing, and assistance for the benefit of those engaged in agricultural activities or who reside in rural areas; energy and utility delivery and environmental protection; and research into these many areas.

USDA has submitted individual agency reports for inclusion in the Fourth Quarterly Report. The thoroughness of the reviews vary. Most of the agencies will be asked for additional information or to conduct more comprehensive reviews aimed at identifying substantive sex bias.

The Food and Nutrition Service (FNS) reports that it has reviewed its statutes and regulations and that none contain substantive or terminological references. FNS has been asked to reconsider its review because one statute listed as gender free contains substantive distinctions on the basis of sex. The statute, 42 U.S.C. §1773 is listed in the Third Quarterly Report: Section One.

The Rural Electrification Administration (REA) report only responds to references in the 1978 Interim Report to the President. REA reports that in 1981 one publication was revised to remove

discriminatory photographs. No mention is made of changes to other publications or efforts to remove sex discriminatory language from publications. REA has not reported that it has reviewed its statutes, regulations, policies, practices, and field instruments. The agency will be asked to do so.

The Farmers Home Administration (FmHA) submitted a two paragraph report that states that the agency completed the comprehensive rewrite of regulations and forms it had agreed to in 1979. Because of the extensive substantive sex bias in earlier FmHA regulations, internal issuances, and forms, it is important that FmHA take the time necessary to list each document, the reviewer, the review completion date, and the product of the review. This is necessary to ensure that all documents are free of sex bias. FmHA to our knowledge has never reviewed its state supplements which in earlier reports by Justice were noted to contain substantive sex bias. Because these supplements are the working guidelines used by FmHA to process loans it is particularly important that they be reviewed and corrected as necessary.

The National Agriculture Library (NAL) report lists two documents that are not gender free. It appears that NAL probably has reviewed the few documents it has but the report does not indicate what, if any, statutes, regulations, publications, or other agency issuances it has and if they were reviewed.

The Food Safety and Inspection Service (the Service) has had a policy since 1977 that prohibits the use of sex discriminatory language in publications. This policy presumably covers all Service directives. All directives have been reissued since 1977

and the Service reports they are gender free. The Service's report does not indicate if it has any regulations or publications and if they need to be reviewed.

The Forest Service (the Service) report sets forth corrective action taken by the agency to ensure that agency programs are conducted free of sex discrimination. The Service does not report on its review of statutes, regulations, issuances, and publications for sex discrimination.

The Federal Crop Insurance Corporation (FCIC) reports that all FCIC regulations have been reviewed in the last five years for the purpose of correcting sex biased language. FCIC does not state if it has reviewed statutes, internal issuances, and publications for sex discrimination.

The Animal and Plant Health Inspection Service (APHIS) reports that all regulations, internal operation guidelines, internal administrative directives have been reviewed and revised as necessary. APHIS has agreed to forward a copy of the index of administrative directives which is necessary to ensure that APHIS has completed its review.

The Office of Small and Disadvantaged Business Utilization submitted a one sentence report. This agency will be asked for specific additional information.

The Office of Personnel report indicates that no review has been conducted since 1978. This office will be asked to



conduct a review of its regulations, issuances, directives, and publications issued since 1978.

The Office of Finance and Management (OFM) reports that it has reviewed "various documents and issuances." The attached form does not list what documents the agency reviewed. The OFM will be asked to provide this information.

The Office of Administrative Law Judges reports that it "does not issue any regulations, guidelines, programs or policies internally or externally which result or could result in unequal treatment based on sex." It is unclear if this conclusion is based on an actual review or is simply speculation. The agency will be asked to conduct a review if it has not done so.

The Soil Conservation Service (SCS) report does not indicate if regulations, programs, policies, and field instruments were reviewed. In its report SCS only refers to issues raised in the 1978 Report, a general statement regarding efforts to improve stereotyping in publications, and the issuance of a Sexual Harassment Guideline.

The Economic Management Staff report is on behalf of six economic agencies in Agriculture. The report states that no review was conducted of statutes, regulations, or other field instruments. Coordination and Review staff will meet with the agencies to determine what documents, if any, should be reviewed. The report does indicate a heightened awareness of sex discrimination issues and specific actions taken by Agriculture including the revision of a writing guide called Author to Reader

that will include a section on how to write without gender based distinctions.

The Office of Transportation (OT) reports that it issues only publications and reports all of which are technical in nature. OT writers are instructed to draft documents in sex neutral terminology. A review of the index of publications and reports indicates that OT has completed its review.

The Agricultural Stabilization and Conservation Service (ASCS) states that its national directives, handbooks, forms, and regulations have been reviewed and corrected as necessary. The ASCS review appears to be completed although specific information on corrections will be requested.

The Foreign Agricultural Service reports in a chart format that all chapters of title three of the Code of Federal Regulations have been reviewed. However, there is no information on the review findings and the report does not indicate what other documents need to be reviewed.

The Packers and Stockyards Administration (PSA) reports in chart format that all regulations were reviewed and have been corrected as necessary. PSA will be asked to report in more detail on its regulatory review and to report on other documents that should be reviewed.

The Office of Budget and Program Analysis submitted a "negative" report. Coordination and Review staff will meet with this agency to discuss the review. Similarly the Office of Rural Development Policy states that it does not have any programs and

therefore nothing to review. This agency will be contacted by Coordination and Review staff.

The Office of Governmental and Public Affairs reports that it has reviewed its regulations and when it republishes this Fall all gender specific terminology will be corrected.

The Agriculture Cooperative Service (ACS) reports that it has reviewed 100 publications for gender specific words and when reprinted, publications will be revised. ACS will be asked if it has reviewed regulations, programs, and policies for substantive sex bias.

## Agency for International Development

The Agency for International Development (AID) administers assistance programs designed to help people in developing countries to develop their human and economic resources, to increase productive capacities, and to improve the quality of human life as well as promote economic and political stability in friendly countries.

AID has completed its review of statutes, regulations, internal policies, guidelines, and procedures. The only sex bias identified relates to personnel and is contained in agency handbooks. AID is presently revising the handbooks and will correct the offending language.

Two Federal statutes administered by AID were listed in the Third Quarterly Report as statutes that contain substantive sex bias. AID has discussed these two statutes, 22 U.S.C. §§2151(k) and 2225, in its report. Both statutes were enacted by Congress to ensure that the concerns and needs of women in the countries served were recognized and factored into the respective programs. Based on AID's report and the legislative intent in enacting both statutes, neither appear to be the type of statute that the Executive Order contemplates for repeal. Both appear to "justifiably differentiate on the basis of sex."

AID has completed its review and no further reports have been requested.

## The Civil Aeronautics Board

The Civil Aeronautics Board (CAB) promotes and regulates the civil air transport industry within the United States and between the United States and other nations. The Board grants licenses to provide air transportation services and opposes or disapproves proposed agreements and corporate relationships involving air carriers.

Although CAB reported in the Third Quarterly Report that the Rules and Legislation Division of the Office of General Counsel issued a notice to all Bureaus and Offices to draft gender neutral regulations, the notice was not issued because now the Office of General Counsel drafts all CAB regulations.

The CAB has completed its review.

## Department of Commerce

The Department of Commerce (Commerce) encourages, serves and promotes the Nation's economic development and technological advancement. To accomplish this purpose and to promote the national interest by encouraging the competitive free enterprise system, the Department provides a wide variety of programs.

Commerce conducted a comprehensive review of its statutes, regulations, internal issuances, and publications in 1976. Commerce has submitted two reports for inclusion in this report. The first submission points out that two statutes listed as "Uncorrected" and attributed to Commerce in the First Quarterly Report are administered by the Departments of Treasury and Transportation (46 U.S.C. §§331, 601). We noted this correction and the change was made in the Third Quarterly Report. Commerce also reports that the Maritime Administration has been transferred to the Department of Transportation (DOT). Therefore, earlier concerns relating to the Merchant Marine Academy should be directed to DOT.

The second submission includes the results of Commerce's review of its statutes and regulations since 1976 for substantive sex bias. The submission does not list 15 U.S.C. §1052, a statute that contains substantive sex bias although Commerce lists this provision in a memo directing components to conduct the Task Force review. The report in chart form sets forth each category



reviewed, the title of the document, the name of the reviewer, the sex bias identified (to include substantive and terminological), and the recommended action for correcting the change. The report does not indicate if Commerce has conducted an updated review of policies, practices, and publications issued since 1976.

Commerce reported that it had "abolished" maternity leave. Its present policy is consistent with that of other government agencies which permit a combination of annual leave, sick leave, and leave without pay to be used for childbirth and child care.

## Department of Education

The Department of Education (ED) has completed its review of statutes, regulations, and issuances for sex bias. ED identified one statute and its implementing regulation as containing substantive sex bias, a provision of the Military Selective Service Act (Pub. L. No. 97252) (1983) which makes male students who fail to register ineligible to receive title IV student financial assistance. Proposed regulations to implement that statute were published January 27, 1983 to be codified at 34 C.F.R. §§668.23-668.27. This statute is not listed in the Third Quarterly Report as a statute containing sex bias because it contains no facially discriminatory language. ED is correct, however, that because the Selective Service law requires only males to register, this amendment then applies only to men.

The regulations reviewed are published at 34 C.F.R. Parts 1-797 and 41 C.F.R. §34. The specific policies, sub-regulatory issuances and publications reviewed are not listed in the report because of space but are available in supporting memoranda.

The remainder of the report addresses specific agency programs and projects aimed to assist women.

## Department of Energy

The Department of Energy (DOE) coordinates and administers the energy functions of the Federal government. The Department is responsible for long-term, high-risk research and development of energy technology; the marketing of Federal power; energy conservation; the nuclear weapons program; energy regulatory programs; and a central energy data collection and analysis program.

DOE has completed a thorough review of its statutes, rules, regulations, policies, publications, and acquisition letters. No substantive discrimination on the basis of sex was found although gender specific terminology was identified. The Office of the General Counsel plans to review all future bills, regulations and orders to eliminate gender specific terminology and assure that there is no disproportionate impact on gender.

## Farm Credit Administration

The Farm Credit Administration (FCA) is an independent agency that charters, examines and supervises Federal land banks, Federal land bank associations, Federal intermediate credit banks, production credit associations and banks for cooperatives. The Administration has reviewed its enabling statute, regulations, policies, guidelines and practices. The agency identified several instances of gender specific terminology and some substantive sex bias in agency references to wives of board members and bank presidents. Most of the gender specific terminology was found in materials that have not been revised since the adoption of a 1978 policy statement encouraging the use of sex neutral language and balanced visual examples.

## Federal Emergency Management Agency

The Federal Emergency Management Agency (FEMA) was created to provide a single point of accountability for all Federal emergency preparedness. The agency is chartered to enhance the multiple use of emergency preparedness and response resources at the Federal, State, and local levels of government in preparing for and responding to emergencies and to integrate into a comprehensive framework, activities concerned with hazard mitigation, preparedness planning relief operations, and recovery assistance.

The FEMA previously reported that it has examined the basic laws and regulations it administers and found no "significant substantial sex discriminatory provisions." Its final report directs that the word 'significant' be deleted because the only possible sex discriminatory provisions are in terminology. It further reports that in addition to section 311 of the Disaster Relief Act (42 U.S.C. 5151) there are four regulatory provisions prohibiting discrimination on the basis of sex. They are:

1. 44 C.F.R. 62.4(b) states that no person shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the National Flood Insurance Program on the basis of sex.
2. 44 C.F.R. 82.10 states that no person shall be excluded from participation in, denied the benefits of, or be

subjected to discrimination under the Federal Crime Insurance Program on the basis of sex.

3. 44 C.F.R. 205.16(b) states that all personnel, carrying out Federal major disaster or emergency assistance functions, shall perform their work in an equitable and impartial manner without discrimination on the grounds of sex.
4. 44 C.F.R. 309.12 states that with respect to federally-assisted construction under the civil defense program, each contractor shall be required to have an affirmative action plan which declares that it does not discriminate on the basis of sex and which specifies goals and target dates to assure implementation of that plan.

The FEMA report is so brief that we have provided a summary, in the proceeding paragraphs, in lieu of the report itself.



## General Services Administration

The General Services Administration (GSA) establishes policy and provides for the Federal government an economical and efficient system for the management of its property and records, including construction and operation of buildings; procurement and distribution of supplies; utilization and disposal of property, transportation, traffic, and communication management; stockpiling of strategic materials; and the management of the government-wide automatic data processing resources program.

GSA has concluded its review of regulations, guidelines, policies, and procedures.

GSA reports that its review "included 1,950 regulations, guidelines, policies, and procedures, of these, 110 were found to require some type of revision due to unnecessary gender specific terminology. Of the 110 identified 40 have been revised, 25 are in final draft, the remaining 45 have target dates during the first and second quarter of FY 1984. National Personnel Records Center Publications are routinely reviewed every six months and, as these reviews take place, documents will be reviewed for sex biased language. In addition, compliance with the Executive Order will be kept in mind in the writing of correspondence and future regulations, guidelines, policies, and procedures."

Review reports from various components are attached.

## Department of Health and Human Services

The Department of Health and Human Services (HHS) administers the Social Security System and other health and welfare services.

The HHS report is a complete and comprehensive review of its statutes. Many of the statutes listed in the First Quarterly Report, as containing sex bias, have been corrected by the Social Security Amendments of 1983, Pub. L. No. 98-21. The HHS report includes a chart that sets forth each statutory provision contained in the First Quarterly Report, comments explaining the sex bias, and the status of each provision (repealed or corrected by legislative action, invalidated by court action, no change, or prospective legislative action).

Future HHS reports will comment on the status of the agency's review of regulations, programs, policies, field instruments, and publications.

## Department of Interior

The Department of Interior (DOI) has responsibility for most of the nationally owned public lands and natural resources and American Indian reservation communities and for people who live in Island Territories under United States administration.

The DOI has reviewed its statutes and provided comments and recommendations concerning those that make distinctions on the basis of sex. The Department has been requested to complete its review of regulations, policies, and procedures and report its findings for future Quarterly Reports.

## National Aeronautics and Space Administration

The National Aeronautics and Space Administration (NASA) conducts research for solutions to problems of flight within and outside the Earth's atmosphere and develops, constructs, tests and operates aeronautical and space vehicles; conducts activities required for the exploration of space; arranges for the most effective utilization of the scientific and engineering resources of the United States with other nations engaged in aeronautical and space activities for peaceful purposes; and provides for the widest practicable and appropriate dissemination of information concerning NASA's activities and their results.

NASA has completed its review of approximately 200 directives and issuances and revised for sex bias as necessary. NASA identified no statute that contains substantive sex bias.

The NASA report is so brief that we have provided a summary, in the proceeding paragraphs, in lieu of one report itself.

## National Endowment for the Arts

The National Endowment for the Arts (NEA) encourages and supports progress in the arts. NEA awards grants to individuals, state and regional arts agencies, and non-profit organizations representing the highest quality in the various fields of the arts.

NEA has reviewed its statutes, regulations, program guidelines, administrative directives, handbooks, and a few additional issuances. No substantive sex bias was identified. NEA has included in its report a list of sex based terminological provisions.

## National Endowment for the Humanities

The National Endowment for the Humanities (NEH), created by an act of Congress in 1965, was established to carry out two fundamental objectives:

1. to aid in the investigation of the key questions in the humanities and in the dissemination of the results of this effort through more effective teaching and publication; and
2. to foster throughout the Nation an awareness of the importance and value of the humanities for contemporary American life.

NEH's report does not indicate that its statutes were reviewed. The report states that it has received the Justice computer printout of its regulations that contain sex specific language. The agency states it will correct laws, regulations, etc. as republished. It is unclear if NEH has reviewed the printout and what corrective action is recommended. The remainder of the report addresses NEH programs, including composition of NEH panels and civil rights enforcement efforts.



## Nuclear Regulatory Commission

The Nuclear Regulatory Commission (NRC) licenses and regulates the possession and use of nuclear facilities and materials to protect the public health and safety and the environment. It does this by licensing persons and companies to build and operate nuclear reactors and to own and use nuclear materials. NRC makes rules and sets standards for these types of licenses. It also inspects the activities of the persons and companies licensed to ensure that they do not violate the safety rules of the Commission.

NRC completed in 1978 a comprehensive review of its statutes, regulations, programs, and policies for sex bias. A review of statutes enacted since 1978 will be included in NRC's report for the Fifth Quarterly Report. NRC's report references one regulation being revised, 10 C.F.R. Part 20. This regulation is being revised to reflect recommendations of the National Council on Radiation Protection and Measurements and the International Commission on Radiological Protection. The draft provisions are intended to provide a practical means of controlling radiation exposure to an embryo with minimal impact on the employability of women.

NRC has completed its review of statutes, regulations, programs, and policies for sex bias.

## Overseas Private Investment Corporation

The Overseas Private Investment Corporation (OPIC) provides political risk insurance and financial services to encourage United States private investment in certain developing nations. OPIC insurance protects investors against the political risks of expropriation; inability to convert local currency into dollars; and damage from war, revolution, insurrection, and certain types of civil strife. All OPIC related projects must contribute to the economic and social development of the host country and must be consistent with the economic interests of the United States. OPIC financial services are designed to assist U.S. lenders and business enterprises in finding and supporting worthwhile projects through investment guaranties, direct loans, and preinvestment surveys.

OPIC has completed its review of statutes, regulations, program brochures, and procurement guides and identified no substantive sex discrimination. A few terminological problems were identified and will be addressed as documents are revised.

## Railroad Retirement Board

The Railroad Retirement Board (the Board) provides a governmentally authorized and administered program of retirement and survivors and disability benefits payable to railroad employees and their families.

The Board has reviewed its statutes and regulations for sex based distinctions. One statute making a substantive distinction and several gender specific terminological provisions were identified. The Board has drafted proposed language to cure the substantive sex discrimination.

Small Business Administration

For the Third Quarterly Report the Small Business Administration (SBA) reported on its programs and initiatives for women. This report contains the SBA's analysis of the application of Sections 8a and 8d of the Small Business Act to women.

A systematic review of the SBA's laws, regulations, policies, and procedures has been requested for future quarterly reports.

## Department of State

The Department of State (State) advises the President in the formulation and execution of foreign policy. As Chief Executive, the President has overall responsibility for the foreign policy of the United States. State's primary objective in the conduct of foreign relations is to promote the long-range security and well-being of the United States. The Department determines and analyzes the facts relating to American overseas interests, makes recommendations on policy and future action, and takes the necessary steps to carry out established policy. In so doing, the Department engages in continuous consultations with the American public, the Congress, other U.S. departments and agencies, and foreign governments; negotiates treaties and agreements with foreign nations; speaks for the United States in the United Nations and in more than 50 major international organizations in which the United States participates; and represents the United States at more than 800 international conferences annually.

State has submitted an update of its February 1983 submission. Additional reports are anticipated.

State has reviewed its statutes and is considering amending 22 U.S.C. §214 and 22 U.S.C. §1281 to remove the sex bias. However, it does not recommend corrective legislation for 8 U.S.C. §§1153, 1182, and 1253 because it takes the position that these statutes are primarily the concern of the Department of Justice. Further, State recommends against amending the definition of

"refugee" in 8 U.S.C. §1101(a)(42) because it would expand this country's international obligations under the Convention and Protocol Relating to the Status of Refugees. This statute was already omitted in the Third Quarterly Report.

State has listed the regulations it has reviewed and the results of its review. A summary of its to-date review of the Foreign Affairs Manual is also included.

## Department of Transportation

The Department of Transportation (DOT) has completed its review of statutes and regulations. It has drafted legislation to eliminate sex based distinctions in several Coast Guard administered statutes that were identified in the First Quarterly Report.

Various policies, practices, and procedures have also been reviewed.

Department of the Treasury

The Department of the Treasury (Treasury) has completed its review of statutes, regulations, and various policies. Treasury identified several regulations that discriminate on the basis of sex as well as the statutes identified in the First Quarterly Report.

The Internal Revenue Service reported separately and identified various statutes and regulations that discriminate on the basis of sex.



United States Information Agency

The United States Information Agency (USIA) promotes awareness and knowledge of United States policies, culture, and values abroad.

USIA has reviewed its programming materials and taken steps to eliminate sex stereotyping and gender bias. It reports on the employment picture for women and describes increased opportunities for them. It is not clear from the report whether a systematic review of statutes and regulations was completed.

## Veterans Administration

The Veterans Administration (VA) has submitted two reports for the Fourth Quarterly Report. VA's review has been thorough and systematic with the agency components reviewing the laws, rules, regulations, and policies as well as responding to specific issues.