

# NATIONAL WOMEN'S LAW CENTER



**A Platform for Progress**  
**Building a Better Future for**  
**Women and Their Families**

The National Women's Law Center is a non-profit organization that has been working since 1972 to advance and protect women's legal rights. The Center focuses on major policy areas of importance to women and their families including economic security, education, employment and health, with special attention given to the concerns of low-income women. For more information on the Center, visit: [www.nwlc.org](http://www.nwlc.org).

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# INTRODUCTION

Throughout history, the actions of Congress, the President and the courts have had a tremendous impact on the progress of women and girls at school, in the workplace, and in almost every other aspect of their lives. Laws, regulations and court decisions prohibiting discrimination and otherwise protecting and advancing women's rights and opportunities have resulted in significant improvements in the lives of women and their families. These improvements have benefited not only individual women and their families but also the nation as a whole.

While it is clear that progress has been made, Congress, the President and the courts can also erect obstacles, raise barriers, and undermine rights. Women today are facing enormous challenges – struggling to achieve economic security and health care that meets their needs, and facing difficulties securing access to equal educational and employment opportunities. Instead of providing needed supports, in recent years one or more of the three branches of government have weakened critical government programs, gutted core protections, and blocked initiatives to meet both continuing and new challenges and needs.

In the coming years, actions by a new Administration, as well as Congress and the courts, will be critically important to the lives of women and their families. The National Women's Law Center's broad Platform for Progress outlines steps that should be taken by the federal government to address the unmet needs of women and their families in schools and in the workplace, and in securing basic economic security and access to quality, affordable and comprehensive health care.

## Why are reforms needed?

- One in four girls drops out of high school, resulting in an average annual income that falls \$9,100 below even the low wages earned by male high school dropouts.
- Women working full time today earn, on average, only 77 cents for every dollar paid to men and face wage gaps and glass ceilings across a wide spectrum of occupations.
- More than 14 million women – one in eight – live in poverty, and single women, women of color and elderly women are especially vulnerable.
- More than 17 million women have no health insurance.
- Federal child care assistance is provided to only one in seven eligible children.
- Nearly half of all pregnancies are unintended.

The National Women's Law Center's Platform for Progress is designed to address these and other critical problems through concrete proposals that the federal government can adopt and implement to meet its responsibility to help women and their families reach their potential and lead economically secure lives. Some of these proposals can be adopted and implemented quickly, and some will take more time. All demand immediate attention.

# **HIGHLIGHTS OF THE NATIONAL WOMEN'S LAW CENTER'S PLATFORM FOR PROGRESS**

## **Supporting Women in the Workplace**

- Close the wage gap and ensure women are paid fairly by passing the Lilly Ledbetter Fair Pay Act, the Paycheck Fairness Act, and the Fair Pay Act
- Improve benefits for workers by raising the minimum wage, protecting overtime pay, expanding the Family and Medical Leave Act, providing paid leave days, and establishing parity for part-time workers
- Improve anti-discrimination laws so that women who are subject to discrimination in the workplace can receive fair compensation for their losses
- Break through the glass ceiling by expanding opportunities for women in nontraditional fields and at the highest levels of their professions
- Pass an inclusive Employment Non-Discrimination Act
- End discrimination in the military by establishing gender-neutral, performance-based standards for all military positions, ensuring a fair process for women to challenge discriminatory actions, and repealing Don't Ask, Don't Tell

## **Building Economic Security**

- Ensure access to high-quality child care by requiring that care meet basic health and safety standards, funding statewide quality rating systems to promote higher quality care, increasing the reimbursement rate for child care assistance, supporting initiatives targeted to expanding access to high-quality infant and toddler care, doubling the number of children receiving child care assistance, increasing the Dependent Care Tax Credit, and increasing funding for Head Start and Early Education

- Help women move out of poverty by increasing the benefits of the Earned Income Tax Credit, expanding the Child Tax Credit, improving child support enforcement, eliminating arbitrary barriers in the Temporary Assistance for Needy Families and Supplemental Security Income programs, and expanding access to unemployment insurance
- Protect and strengthen Social Security, the foundation of women's retirement income, by rejecting proposals to divert Social Security revenues into private accounts, raising additional revenues, and improving benefits for low-income individuals
- Increase women's retirement security by expanding access to employer-based retirement plans, establishing spousal pension rights in defined-contribution plans, prohibiting gender discrimination in the pricing of annuities, and making the Saver's Credit refundable
- Reform the tax system to promote fairness and ensure adequate revenues for needed investments by ending tax breaks skewed to the wealthiest Americans and special interests, ending the preferential treatment for income from investments over income from work, collecting taxes owed by businesses and investors, and ending unwarranted corporate subsidies

## **Improving Women's Health**

- Reduce the number of uninsured women by creating a health care system that leaves no one out, provides comprehensive benefits, is simple to use and understand, and is sufficiently and fairly financed
- Increase funding for research and programs that help to prevent and treat health risks for women and their families

- Protect a woman's right to decide to have an abortion
- Expand access to affordable birth control, including emergency contraception
- Invest in comprehensive sex education and end federal funding for abstinence-only programs

### **Improving Women's Education**

- Increase efforts to recruit girls to, and retain them in, fields of study in which they are under-represented and restore legal protections against unequal sex-segregated education
- Ensure that students have the same legal protections against sexual harassment as employees of schools
- Level the playing field for girls' athletics participation by requiring better monitoring and restore requirements for schools to ensure equal opportunities for female students
- Strengthen enforcement of anti-discrimination laws by government agencies
- Reduce the school dropout rate for girls by requiring schools to monitor dropout rates and provide dropout

prevention programs targeted toward the needs of girls, including pregnant and parenting students

- Ensure adequate funding for education at all levels by fully funding schools in low-income districts and expanding financial aid programs for post-secondary education

### **Guaranteeing Equal Rights**

- Promote a fair and independent judiciary with judicial nominees who have a demonstrated commitment to fundamental rights
- Consult broadly during the judicial nomination process and ensure Congress fully exercises its role to advise and consent
- Enact a comprehensive federal ban on sex discrimination and adopt the international Convention on Elimination of all Forms of Discrimination Against Women
- Fully fund domestic violence programs and ensure victims have needed supports
- Strengthen protections against human trafficking
- Ensure fair treatment for immigrants





# SUPPORTING WOMEN IN THE WORKPLACE

## Ensuring Equal Pay

Women working full time today earn, on average, only 77 cents for every dollar paid to men. The numbers are even worse for women of color – an African-American woman earns only 63 cents and a Latina only 52 cents for each dollar earned by a white male. Wage gaps persist across a wide spectrum of occupations, through every level of education, and in every state of the country. But current federal laws are wholly inadequate to close these gaps.

- **Enable Women to Enforce Their Right to Equal Pay.** In 2007, the Supreme Court made it virtually impossible for women and others subject to pay discrimination to go to court to vindicate their rights, holding that any challenges to pay discrimination must be filed within 180 days of an employee's first discriminatory paycheck or be forever barred. In addition, courts over time have severely limited women's rights under the Equal Pay Act of 1963, allowing employers to escape liability for paying men more than women doing equal work. To address these restrictions, Congress must pass the Lilly Ledbetter Fair Pay Act to restore the long-standing and widely accepted rule that women may challenge each discriminatory paycheck they receive. Congress must also enact the Paycheck Fairness Act to close loopholes in the Equal Pay Act, improve the remedies and procedures available under the law, and enhance mechanisms for federal agencies to monitor and enforce equal pay requirements.

Further, because jobs in female-dominated fields continue to pay significantly less than those in similar male-dominated fields – maids and housecleaners, for example, 87% of whom are female, make about \$3,000 less each year than janitors and building cleaners, who are 72% male – Congress must pass the Fair Pay Act, which would require employers to pay employees in female-dominated jobs at the same rate as employees in equivalent male-dominated jobs.

- **Require Information Collection to Identify Wage Discrimination.** The federal government has never implemented an effective mechanism to identify sex-based wage differentials in the workforce. In fact, in 2006, the Department of Labor abolished the Equal Opportunity Survey, a tool designed over the course of decades to enable federal contractors to evaluate their pay scales and to improve federal enforcement capabilities. The Administration should reinstate and effectively use the Equal Opportunity Survey and should require all employers subject to the anti-discrimination laws to regularly evaluate and report, by gender, race, ethnicity and other categories, the wages they pay to their employees. The Department of Labor should also reissue guidelines for compensation discrimination investigations that were revoked by the Bush Administration to make clear that important pay data can be used in compliance investigations.

## Restoring Broad Protections Against All Forms of Sex Discrimination in the Workplace

Women continue to face pervasive limitations on their opportunities at work. In addition to wage discrimination, women are subjected to sexual harassment and retaliation, and continue to be denied jobs and promotions based on their sex. Pregnancy discrimination complaints are on the rise, and women who are parents often face damaging stereotypes about their level of commitment to the workplace. These problems have been deeply exacerbated by a series of damaging Supreme Court decisions that undercut the fabric of legal protections that women, minorities, individuals with disabilities, and individuals subject to age discrimination have relied upon for decades. Congress must remedy these severe limitations on rights against discrimination in the workplace.

- **Overturn Supreme Court Decisions that Have Undermined Anti-Discrimination Laws.** The Civil Rights Act of 2008 provides a detailed roadmap for remedying the serious damage done by the Supreme Court to the ability of women and others to enforce their civil rights. The Act would, for example, make clear that employers cannot deprive their employees of access to courts to resolve their discrimination claims; restore the ability to obtain legal counsel by making clear that lawyers may receive attorney's fees for favorable settlements; and provide reasonable remedies to undocumented workers who are subject to discrimination. Congress should pass the Act without delay.
- **Ensure that Women Can Obtain the Same Remedies for Sex Discrimination as Those Subject to Discrimination Based on Race and National Origin.** Women have been treated as second-class citizens in the remedies available to them for sex discrimination in the workplace. Although Congress in 1991 authorized the award of compensatory and punitive damages under Title VII of the Civil Rights Act of 1964 – which prohibits discrimination in employment on the basis of race, color, national origin, sex and religion – it placed arbitrary and draconian limits on the amounts of those awards, thereby depriving employees of necessary relief and drastically limiting the deterrence value of the remedies. Women subject to sex discrimination on the job bear the brunt of these restrictions, since damages are available without arbitrary limit under other federal laws that bar race and national origin discrimination. Congress must enact the Equal Remedies Act to ensure that those subject to sex discrimination, as well as those who are treated inequitably on the basis of religion or disability, can obtain the full compensatory and punitive remedies that are necessary to provide appropriate redress.
- **Expand Access for Women to Jobs and Economic Opportunities in Which They Are Under-Represented.** Women continue to confront a glass ceiling that limits their access to the top positions in

the workforce and their economic opportunities. Women, for example, comprise less than 2.5% of chief executives of Fortune 500 companies. Women-owned small businesses receive only about 3% of the billions of dollars in federal contracts that are awarded every year. And far too many occupations in the United States remain dominated by one gender, with those dominated by men typically providing better wages and benefits. The Administration should take steps to open jobs and opportunities from which women have previously been excluded, including by issuing strong regulations, that do not impose unnecessary barriers, to implement the Women's Procurement Program for women-owned businesses, and by providing guidance on effective means for employers to eliminate barriers that block women's access to top-level jobs and employment in fields traditionally dominated by men.

- **Expand Discrimination Protections in the Workplace.** Currently, federal law fails to adequately protect women – or men – from employment discrimination based on sexual orientation or gender identity. Congress should promptly fill in these gaps in the law, by making explicit that employers may not discriminate against employees on either basis. As a good first step, Congress should pass an inclusive Employment Non-Discrimination Act.

## **Ending Discrimination Against Women in the Military**

Current policies of the Department of Defense (DoD) explicitly authorize discrimination against women in military assignments and are inadequate to protect women from discrimination that is prohibited, especially in the case of sexual harassment and assault. During and after the Gulf Conflict of the early 1990's, and based on the outstanding performance of women in that conflict, both Congress and a new Administration re-assessed military laws and policies to open tens of thousands of military positions – including combat positions – to women and improve DoD policies to combat sexual harassment and

assault. A similar re-assessment should take place now in light of women's performance in the conflicts in Afghanistan and Iraq, and specific changes should be made as set forth below.

- **Eliminate Prohibitions on Women's Service.** DoD should eliminate its remaining policy prohibitions on women's service in certain military assignments and should establish fair, gender-neutral, performance-based standards for all military positions in order to enable any individual who can meet the standards to be eligible for the assignment.
- **Improve Military Procedures for Challenging Discrimination.** DoD and Congress should provide members of the military with a process for challenging discrimination that is similar to the process provided to civilian DoD employees, including the right to an independent investigation and hearing, a written record, and an independent finder of fact and decision maker; standardized procedures, definitions, and recommended penalties for perpetrators; ability to obtain compensatory damages; better protection against retaliation; and appropriate judicial review. Moreover, DoD must ensure that individuals at the highest ranks of the military take seriously the need to enforce policies against sexual harassment and prosecute instances of sexual assault, including by holding commanding officers consistently accountable for their failure to do so.
- **Revitalize DACOWITS.** The Defense Advisory Committee on Women in the Services (DACOWITS), which was created by Secretary of Defense George Marshall in 1951 and has been a force for the expansion of women's roles in the military for over 50 years, has had its authority and responsibilities downgraded by the Bush Administration. It must be restored to a meaningful advisory body with the authority to choose its issues and independently advise the Secretary on them.
- **Repeal Discriminatory Policy of Don't Ask, Don't Tell.** The Administration should support, and

Congress should pass, the Military Readiness Enhancement Act, which repeals the military's "Don't Ask, Don't Tell" policy and prohibits sexual orientation from limiting individuals' service or assignments in the military.

## Ensuring Full Enforcement of the Anti-Discrimination Laws

Federal enforcement agencies – including the Equal Employment Opportunity Commission, the Office of Federal Contract Compliance Programs, the Women's Bureau of the Department of Labor, and the Civil Rights Division of the Department of Justice – have been underfunded and have failed to take the strong action necessary to ensure enforcement of the federal laws barring sex and other forms of discrimination in employment. These agencies must take proactive steps to enforce the laws, including by initiating systemic investigations where appropriate, and the President and Congress should fully fund their enforcement efforts.

## Guaranteeing A Living Wage

Women who work should be able to achieve economic self-sufficiency. However, women are nearly two-thirds of minimum wage workers, and the current minimum wage is insufficient to keep women with children out of poverty.

- **Raise the Minimum Wage.** Even with Congress' recently passed minimum wage hike – to \$7.25 an hour in July 2009 – the salary of a full-time year-round minimum wage worker is still more than \$3,000 below the current federal poverty level for a mother with two children. Congress should pass additional increases in the minimum wage that bring the minimum back to its historical level of 50% of non-supervisory wages and then index the wage to the consumer price index.
- **Protect Overtime Pay.** Among workers who earn overtime pay, overtime wages account for roughly 25% of total earnings. But in 2007, the Supreme Court upheld a Department of Labor regulation that

excludes workers who provide in-home care for elderly or disabled people from federal wage and overtime protections. Home health care workers, the vast majority of whom are women, perform stressful, physically demanding jobs, but are among the lowest paid individuals in the service industry. The Department of Labor should eliminate this regulation to ensure that home health care workers, who provide essential services to the nation's elderly and disabled, are not singled out for unfair treatment and to provide labor protections to them.

Moreover, because of a regulatory change made by the Department of Labor in 2004, millions of women – with those clustered in traditionally female-dominated jobs like retail, service, and sales positions likely to have been particularly hard-hit – may be losing out on overtime pay to which they were previously entitled. The Department should evaluate the impact of this regulatory change, and make any modifications necessary to ensure that workers receive the overtime pay they deserve.

## **Helping Women Meet Their Work and Family Responsibilities**

Women are often faced with challenges in meeting their work and family responsibilities. The Family and Medical Leave Act, passed in 1993, was a strong first step in ensuring that workers do not have to sacrifice their jobs when they need to take leave to deal with the birth or adoption of a child or with their own serious health condition or that of a close family member. However, 40% of workers – those whose employers have fewer than 50 employees – are still unprotected by the Act, and all guaranteed leave under the Act is unpaid. Seventy-eight percent of workers who have been unable to take leave reported that the reason is their inability to afford the loss of wages.

- **Expand the Family and Medical Leave Act.** Congress should expand the Family and Medical Leave Act to, at a minimum, cover employers with 25 or more employees; allow leave for additional

purposes, such as school-related events; and ensure that employees are not excessively burdened in claiming their right to leave. The Department of Labor should reject provisions of currently proposed regulations that contravene this standard.

- **Provide Paid Leave Days.** Congress should enact provisions to enable employees to obtain paid leave under the Family and Medical Leave Act, and the Department of Labor should issue guidance explaining the means by which states and employers can immediately accomplish that goal. As a first step, Congress should pass the Healthy Families Act, which requires that employers with 15 or more employees provide a minimum of seven paid sick days a year to cover the health conditions of employees and/or their family members. Further, the President should issue an Executive Order instructing federal contractors to provide paid sick leave for their employees.
- **Establish Parity for Part-Time Workers.** More than two-thirds of part-time workers in the United States are women. But, part-time workers lag behind their full-time counterparts in salary and in access to benefits. For example, only about a third as many part-time as full-time workers have access to paid sick leave or are eligible to participate in an employer's retirement plan. To address these problems, Congress should ensure that part-time workers are given parity with their full-time colleagues. Part-time workers who reach a minimum threshold of hours worked should, for example, be paid proportional wages to those paid to full-time employees, and have proportional access to all benefits, including leave and employer contributions to health and pension coverage. Part-time workers who leave a job should also be eligible to receive, on a proportional basis, the same benefits that are provided to unemployed full-time workers, such as unemployment insurance. (For additional recommendations with regard to work supports, see the Economic Security section of this Platform.)

# BUILDING ECONOMIC SECURITY

## **Ensuring Access to High-Quality, Affordable Child Care**

Child care helps children, families and communities prosper. Children in child care learn and develop skills they need to succeed in school and in life. Child care helps families get ahead by giving parents the support and peace of mind they need to be productive at work. And ensuring access to child care helps our nation stay competitive, by producing a stronger workforce now and in the future. When America supports child care, we encourage children, families and our nation to reach their full potential. But for many families – especially, but not only, low-income families – high-quality child care is unaffordable or unavailable. Congress and the Administration must enact, fund, and implement comprehensive reforms to ensure safe, healthy, and affordable child care that promotes early learning, as set forth below.

- **Guarantee Availability of Child Care that Meets Basic Health and Safety Standards.** All parents want assurances that their children are in safe and healthy environments. Federal legislation should require states to develop, and ensure that child care centers and family child care homes meet, core health and safety and child development standards in areas such as first-aid, CPR, SIDS prevention, sanitary methods, child abuse identification, developmental screening, emergency procedures, pre-service and continuing training, and comprehensive background checks. Congress should provide federal funding to enable centers and homes to meet these requirements.
- **Create Rating and Improvement System to Promote Early Learning.** Research demonstrates that high-quality child care promotes children's cognitive and social development. Yet many states do not have systems for evaluating and promoting high-quality child care and many children do not have access to the high-quality care they need. Congress should improve the early learning

experience in child care by providing federal funding to states to establish and operate a statewide system for rating child care providers based on the quality of care they provide. The system should include grants to help facilities and child care providers achieve and maintain progressively higher standards. Studies of states that have already adopted this approach demonstrate that it is an effective strategy for bolstering the quality of care.

- **Make High-Quality Child Care Affordable.** Paying for child care is one of the top three expenses for families with preschool-age children, along with housing and food, and low-income parents who pay for child care spend an even greater percentage of their budget on care than higher-income families. Over the past seven years, hundreds of thousands of children in low-income families have lost child care assistance because federal funding for child care assistance has been essentially frozen. Today, only one in seven children eligible for federal child care assistance receives it. Congress should help parents afford high-quality care by providing sufficient federal funding to double the number of children currently receiving child care assistance and improving the federal Child and Dependent Care Tax Credit. The Child and Dependent Care Tax Credit should be improved by ensuring there are no cuts in the current amount of tax assistance that families can claim, making it fully refundable so that families with little or no federal income tax liability can benefit, increasing the percentage of expenses lower-income families can receive, and indexing it for inflation.
- **Make High-Quality Child Care Accessible.** Low reimbursement rates discourage child care providers from serving children receiving child care assistance and make it more difficult for child care providers who serve these children to support a high-quality program. This is especially true in the case of infant and toddler care, which is particularly costly to provide and difficult to find in many communities.

In 2007, 41 states and the District of Columbia had reimbursement rates based on outdated market rate surveys or below the level recommended in federal regulations. Congress should increase the supply of high-quality care by raising the reimbursement rates paid to child care providers who care for children receiving federal child care assistance – with higher rates for higher-quality care – and by making targeted grants to support high-quality infant and toddler care.

- **Strengthen Head Start and Early Head Start.**

Congress should increase funding for Head Start and Early Head Start to increase participation by low-income three- and four-year-olds, as well as infants and toddlers, and to strengthen and improve the program. Currently, Head Start serves only about half of eligible preschoolers and Early Head Start serves less than 3% of eligible infants and toddlers. In 2007, when Congress renewed the Head Start program, it called for expanding and strengthening the program but then failed to appropriate any additional funds. The 2007 Head Start amendments increased access to Head Start by allowing programs to serve children in families with incomes up to 130% of poverty; expanded Early Head Start; bolstered quality by setting credential and training requirements for Head Start and Early Head Start teachers and reserving funds for quality improvements; and required increased collaboration among early education programs. Congress should ensure that programs have the resources to achieve the goals set out in the 2007 Head Start amendments, including to help them meet increased teacher credential requirements and to engage in greater collaboration with other early childhood programs.

## **Strengthening Income and Work Supports**

Poverty is a women's issue. Over 14 million women – one in eight – live in poverty. Single mothers, women of color, and elderly women are especially vulnerable. More than one in three single mothers, more than one in five African American and Latina women, and one in five elderly women living alone are poor. Several factors

contribute to the high rate of poverty among women, including unequal opportunities in education and employment, the high numbers of women who work in jobs that do not provide adequate wages and benefits, the time many women devote to unpaid family caregiving, domestic violence and other barriers to employment, insufficient child support, and the recent erosion of many other supports for poor women and their families.

- **Make Work Pay.** The Earned Income Tax Credit (EITC) is an important supplement to the earnings of low-income workers, especially those with children. The EITC is fully refundable, so tax filers with little or no federal income tax liability can receive the credit as a refund or as an increase in their paychecks throughout the year. Families with two or more children can receive an EITC of up to \$4,824 for tax year 2008. But the EITC generally does not increase for families with more than two children, who have higher rates of poverty than smaller families. And some low-income workers can still face significant “marriage penalties” – reductions in their EITC benefits – if they marry. Congress should improve the EITC for families with children by increasing the credit for families with three or more children and raising the point at which the EITC phases out for married couples.

The EITC also is available for low-income workers between the ages of 25 and 64 with no qualifying children. But for these workers, the benefits are too small to have a significant impact. In tax year 2008, the maximum EITC for childless workers is just \$438, and workers earning just \$12,880 are ineligible. Congress should improve the EITC for childless workers by doubling the credit rate, applying it to a higher level of earnings, and increasing the point at which the credit phases out. Congress also should make the EITC for childless workers available to workers until they reach the full Social Security retirement age, which is now age 66 and rising. This would assist low-wage workers who have to keep working to make ends meet until they qualify for full Social Security benefits.

- **Expand the Child Tax Credit for Low-Income Families.** The Child Tax Credit, which can be worth up to \$1,000 per qualifying child, is intended to help families meet the costs of raising children. But, it is unavailable to millions of poor and low-income families, disproportionately headed by single mothers, who need help the most. Families must earn at least \$12,050 in 2008 to receive any benefit from the credit, and must earn substantially above that amount to receive the full benefit. Congress should make the Child Tax Credit fully refundable.
- **Improve Child Support Enforcement.** Reforms and investments in the public child support enforcement program have doubled collections in the past ten years, providing much-needed income to single mothers and their children, who need and deserve support from both their parents. But, recently enacted cuts to federal funding for child support enforcement will cost custodial parents and their children \$1 billion a year or more in uncollected child support. These cuts will force states to lay off front-line staff, postpone computer upgrades, and abandon promising initiatives to provide employment and case management services to low-income non-custodial parents. In addition, the cuts threaten state plans to distribute more of the child support collected on behalf of children receiving public assistance to the family, rather than to the government to reimburse welfare costs. Congress should help ensure that children receive support from both parents by restoring the funding cut from child support enforcement. It also should provide additional incentives for states to give all of the child support paid by the non-custodial parents of children receiving public assistance, many of whom are low-income themselves, to the family.
- **Help Poor Individuals and Families Obtain Economic Security.** Increasingly restrictive welfare policies have cut welfare caseloads but have left many parents, overwhelmingly mothers, either in low-wage jobs, which do not provide enough income to support a family, or without any income at all. Currently, welfare rules impose a 60-month lifetime

limit on receiving public assistance and strictly limit the number of months parents receiving benefits can spend acquiring basic education or learning English, receiving mental health or substance abuse treatment, or training for a higher-paying job. Parents who leave welfare for work may lose health care coverage and child care assistance long before they earn enough to pay for them. Many poor elderly and disabled individuals fail to get the support they need from the Supplemental Security Income (SSI) program because of restrictive rules that, for example, limit eligibility for lawful immigrants and for individuals with assets of more than \$2,000 and couples with assets of more than \$3,000. Congress and the Administration should eliminate arbitrary barriers in the Temporary Assistance for Needy Families program that limit the basic services, education and training parents need to find sustainable employment; simplify access to other benefits such as Medicaid, child care, and nutrition programs for poor families; eliminate arbitrary barriers in the SSI program; and provide adequate income for those individuals who cannot work or earn enough to support themselves and their families.

- **Modernize Unemployment Insurance.** Unemployment insurance was created to offer temporary income support to workers who are laid off or must leave their jobs through no fault of their own. However, its rules have not kept pace with changes in the workforce. Today, many women in low-wage, high-turnover jobs fail to qualify for unemployment benefits because their most recent earnings do not count toward eligibility. Many women who work part-time or have to leave their jobs for family-related reasons also are ineligible for unemployment benefits. Congress and the Administration should modernize the unemployment insurance program to consider workers' most recent work history when determining eligibility; provide benefits to those available only for part-time work and those who must leave work for compelling family reasons; and increase benefits for jobless workers with dependents.

## Providing a Secure Retirement

Women have greatly increased their participation in the paid labor force in recent decades, and retired women of the future will have earned higher retirement income on their own work records than current retired women. But, women still have substantially lower lifetime earnings than men: the annual wage gap between women and men is persistent, and the gap in lifetime earnings is even larger, because women are more likely to take time out of the labor force for family caregiving. Lower lifetime earnings mean lower retirement income and smaller savings. At the same time, women live longer than men, face higher health care costs, and spend more years alone in retirement, posing additional financial challenges. In addition, divorce can have especially negative effects on women's economic well-being, leaving divorced women financially worse off in retirement than married couples or divorced men.

- **Protect and Strengthen Social Security.** Social Security is the mainstay of women's retirement income, providing secure lifetime benefits that keep pace with inflation to retired workers, spouses, surviving spouses, and former spouses. For many single women 65 and older, Social Security is virtually their only source of income. Currently, Social Security provides 90% or more of the retirement income for nearly half of all single women 65 and older. Fortunately, Social Security can continue to play a vital role in the economic security of future generations. It faces a manageable long-term shortfall, not a crisis. The reserves in the Social Security Trust Fund can pay 100% of promised benefits for the next three to four decades, and 75 to 79% of promised benefits after that. Congress should protect and strengthen Social Security and its finances by rejecting proposals to divert Social Security revenues into private accounts and raising additional revenues, for example, by applying the Social Security tax to higher wages or dedicating revenues from a progressive tax to Social Security.
- **Improve Social Security Benefits.** Even with Social Security, about one in five single elderly women is poor. Two adjustments to Social Security benefits could significantly reduce poverty among elderly women. For workers with low lifetime earnings, including those who have reduced time in the paid labor force because of family caregiving, Congress should increase the benefits available under the "alternative minimum benefit formula." To reduce poverty among widows, the largest group of the elderly poor, Congress also should improve benefits for widowed spouses. Under current law, a surviving spouse is eligible for a Social Security benefit equal to 50 to 67% of the combined benefits received by the couple; the proportion depends on the relative earnings of the spouses. But, according to the Census Bureau's poverty thresholds, a single elderly person needs 79% of the income of a two-person household to maintain the same standard of living. Congress should raise the survivor benefit to 75% of the couple's combined benefits, and target increases to those with lower earnings by capping the amount a person could receive under this alternative formula (for example, at the benefit level of a Social Security maximum earner). This approach also would increase equity between one- and two-earner couples.
- **Expand Access to Employer-Based Retirement Plans.** Women are less likely than men to have an employer-based retirement plan, and when they do, their pension benefits and account balances are smaller. Congress should improve access to employment-based retirement plans by requiring employers to allow more part-time workers to participate and reducing vesting requirements for employer-provided pensions.
- **Extend Protections of Traditional Defined-Benefit Plans to Defined-Contribution Plans.** The replacement of traditional defined-benefit pension plans by defined-contribution plans, such as 401(k)s, poses particular challenges for women. The 1984



Retirement Equity Act, which applies to traditional defined-benefit pensions, gives a spouse the right to a survivor annuity from the other spouse's pension unless the spouse waives the right. This has improved retirement security for many women; in the decade after the REA was enacted, the number of married men who selected a survivor annuity for their spouses increased by 18%. But, the shift from defined-benefit to defined-contribution plans means that guaranteed pension benefits for surviving spouses are disappearing because this right does not apply to defined-contribution plans or Individual Retirement Accounts. Congress should extend the current spousal pension right for defined-benefit plans to defined-contribution plans and require spousal consent before individuals can withdraw, borrow against, or roll over into an IRA the accumulation in a defined-contribution plan.

- **End Gender Discrimination in the Pricing of Annuities.** Women who want to convert their savings into a stream of income for life to ensure they don't outlive their savings face a private marketplace in which annuities are priced on the basis of gender. Congress should prohibit gender discrimination in the pricing of annuities and expand access to low-cost, comprehensive, and secure annuity products.
- **Make the Saver's Credit Refundable.** The tax system generously subsidizes retirement savings by the wealthy, who do not need tax subsidies to save for retirement, but provides few tax benefits to those who struggle to save. The Saver's Credit provides some tax assistance to low- and moderate-income individuals; it can be worth up to 50% of a maximum \$2,000 contribution to a 401(k), IRA, or similar retirement plan. However, the credit is not refundable, so it is not available to tax filers with no federal income tax liability. Congress should make the Saver's Credit refundable.

## Creating a Fair Tax System that Raises Adequate Revenues

The investments proposed in this Platform for Progress will expand opportunity and improve economic security for women and their families, helping to reverse years of growing poverty, declining health care coverage, and stagnant wages. The nation can afford to make these critical investments in the common good by reforming the tax system to ensure that everyone pays his or her fair share of taxes and by curbing special-interest spending.

- **End Tax Breaks Skewed to the Wealthiest Americans.** At the end of 2010, most of the tax cuts enacted since 2001 will expire. Renewing them would cost \$4.4 trillion and the benefits would go overwhelmingly to the wealthiest Americans. The top 1% of households - currently those with incomes over \$450,000 - would get nearly one-third of the tax benefits, more than \$1.2 trillion in tax breaks over the next ten years. The bottom 80% would get just one-quarter of the tax benefits and would bear most of the pain from the cuts in services imposed to help pay for tax breaks for higher-income households. Congress should end the provisions of the tax cuts that primarily benefit higher-income households, including the capital gains and dividends tax cuts, rate cuts for individuals in upper-income tax brackets, repeal of the limits on personal exemptions and deductions for very high-income taxpayers, and repeal of the estate tax.
- **End the Preferential Treatment for Income from Investments over Income from Work.** Under the current tax system, income from work is taxed at far higher rates than income from investments. Earnings are subject to federal income tax at rates of up to 35%, compared to a maximum 15% rate for income

from capital gains and dividends. And, wage income – but not investment income – is subject to payroll taxes. The current system provides perverse incentives to create schemes designed to convert ordinary income into capital gains. For example, billionaire hedge fund managers take compensation for the financial services they provide in the form of a share of the profits – and end up paying lower tax rates on their multi-million dollar compensation packages than middle-class workers. In addition, because income from investments is a far larger share of the income of the wealthiest Americans than of average Americans, the favored tax treatment of investment income means that the very richest households can pay lower tax rates than average Americans. Congress should reform the tax system and tax income from investments at the same higher rates as income from work.

- **Collect Taxes Owed by Businesses and Investors.** While wage earners, whose income is regularly reported to the Internal Revenue Service and whose taxes are withheld, pay 99% of the taxes they owe, hundreds of billions of dollars in taxes, mostly owed by business owners and investors who fail to fully report their income, goes uncollected. Congress and the Administration should improve collection of taxes owed by business owners and investors by requiring information reporting on capital gains and

miscellaneous income and payments and providing the Internal Revenue Service with the resources it needs to enforce compliance.

- **End Tax Breaks for Special Interests.** In addition to enjoying most of the benefits of the tax cuts since 2001, there are other ways the powerful few avoid paying their fair share of taxes. Powerful industries continue to enjoy special-interest tax breaks even as they earn record profits. The very wealthy and corporations exploit tax loopholes to shelter much or all of their income from taxation. Congress should close tax loopholes that provide unnecessary subsidies to powerful industries, such as oil and gas, and that allow corporations and wealthy individuals to shelter their income from taxation.
- **End Unnecessary Corporate Subsidies.** Subsidies to the wealthy and powerful do not come only through the tax system. Insurance companies, drug companies, wealthy agribusiness, well-connected contractors and others get billions in corporate welfare payments, even as funding for supports for the poor and middle class are cut. Congress should end special-interest subsidies on the spending side of the budget.

# IMPROVING WOMEN'S HEALTH

## Guaranteeing Accessible, Comprehensive Health Coverage

More than 17 million women in the United States do not have any health care coverage. Although men and women face some similar challenges with regard to health insurance, the need for health care is even greater for women than men – women of all ages are nearly 40% more likely than men to take prescription medications on a regular basis and women between 19 and 64 years old have higher rates of disability, more reproductive health care needs, more chronic conditions and more mental health care needs than men. Because of these greater health care needs and women's lower income, more women than men are "underinsured," meaning they have health insurance that requires them to spend more than 10% of their income on out-of-pocket costs. Women are also more likely than men to delay or forgo necessary care due to prohibitive costs, which leads to greater health care costs later in life.

To meet the health care needs of women and their families, health reform should ensure that our nation's health care system meets basic standards and fulfills certain principles: the system should be simple to use and understand; be sufficiently and fairly financed, and leave no one out. The system should guarantee patients a choice of doctors and health care providers, as well as the option of a publicly run health plan. There must be adequate provider reimbursement and steps taken to address provider shortages in both rural and urban areas. Health reform proposals must:

- **Ensure Equity in Health Care Coverage.** Health reform must ensure there are no gaps in access to care, and work to root out disparities in health care access that currently exist. An unacceptable 18% of all women are uninsured, and nearly 23% of Black Non-Hispanic women, 35% of American-Indian/Native Alaskan women and 38% of Hispanic women are without coverage. Reform plans must ensure that care is available for patients who have

diverse cultural and linguistic needs. Regardless of age, race, gender, disability, geographic location or employment status, there must be equity in health care access, treatment, research and resources.

- **Ensure that Health Care is Affordable for All.** Health reform should ensure that individuals, as well as businesses and employers, have affordable and more predictable health costs. Currently, more than one in four women report being unable to pay their medical bills. Health insurance premiums should not be based on factors such as gender or health status. Rather, premiums—as well as out-of-pocket health costs like copayments and deductibles—should be based on a family's ability to pay for health care.
- **Ensure Comprehensive Benefits.** Health reform should ensure comprehensive coverage of health care services that people need both to stay healthy and to be treated when they are ill—regardless of the individual's stage of life. This includes coverage of preventative services; a full range of reproductive health services including abortion; treatment needed for serious and chronic diseases and conditions; and appropriate end-of-life-care.
- **Build Accountability into Any Health Care System.** Any plan for health reform should include a "watchdog" role for government to ensure that risk is spread fairly among all health care payers and that health insurance companies do not improperly delay or deny coverage for health care, turn people away, establish or raise rates, or drop coverage based on a person's health history, age or gender.
- **Effectively Control Health Care Costs.** The current rate of growth in health costs is unsustainable. Between 2000 and 2006, health insurance premiums increased 87% - more than four times as much as wages during that time. Health reform should address the rising cost of insurance premiums, as well as adopt effective cost controls that promote quality,

lower administrative costs and provide long-term financial sustainability. Provisions should include use of standard claims forms, secure electronic medical records that adequately protect patient privacy, the use of the public's purchasing power to instill greater reliance on evidence-based protocols and lower drug and device prices, and better management and treatment of chronic diseases.

## Promoting Health

Enactment of comprehensive health reform legislation could meet some of the health care needs addressed by the programs below. But even with the enactment of comprehensive health reform legislation, some programs for research, education and targeted health services for certain populations will be needed to ensure that all women can lead healthy lives.

- **Increase Funding for Research and Programs that Help Prevent and Treat Health Risks for Women and Their Families.** Congress should provide additional funding for:
  - ❖ Research on key women's health issues, including cardiovascular disease, stroke, lung cancer, breast cancer, diabetes, HIV/AIDS, arthritis, violence against women, sexually transmitted diseases, depression and eating disorders
  - ❖ The Pregnant and Postpartum Women and Their Infants Program, which provides comprehensive, family-based treatment for substance abusing mothers and their children
  - ❖ WISEWOMAN (Well-Integrated Screening and Evaluation for Women Across the Nation), which provides heart-disease screenings, interventions and important health information to low-income women
  - ❖ Part D of the Ryan White CARE Act, which provides coordinated, family-centered healthcare and support services to women, children, youth and families living with HIV/AIDS

- ❖ The Gynecologic Cancer Education and Awareness Act (Johanna's Law), which provides information to women and the medical community regarding the signs and symptoms of gynecologic cancers to improve early detection rates

- **Strengthen and Protect Offices on Women's Health.** Offices of Women's Health are located in agencies across the U.S. Department of Health and Human Services (DHHS) to serve as the government's champion and focal point for women's health issues. These offices ensure that women's health needs are at the center of our nation's health care agenda. Unfortunately, few of these offices are permanently authorized in federal law, and many lack the formal authority to do their important work most effectively. Congress should enact the Women's Health Office Act, which provides permanent authorization for offices and positions of women's health in each of the federal health agencies.

## Promoting Reproductive Health and Rights

Women's ability to make important life decisions about whether and when to have children without government interference is critical to all Americans. With the weakening of *Roe v. Wade*, individual states – or Congress – could even more severely limit access to abortion. If *Roe* were overturned, abortion could be banned. Additionally, opponents of birth control continue to block legislation that would make contraception more available and affordable for the millions of women who need it. Women, especially young women, need comprehensive information about, and access to, contraception in order to make good decisions for their health and lives. Comprehensive health care reform could remedy a number of problems that the specific proposals listed below address. However, whether through a comprehensive approach or addressed individually, women's reproductive health care needs are an essential part of women's general health care.

- **Protect a Woman's Right to Decide to Have an Abortion.** With the current makeup of the Supreme Court, *Roe v. Wade* is in jeopardy of being further limited, or even overturned. At least 30 states are poised to make abortion illegal within a year if the Supreme Court reverses *Roe v. Wade*. Congress should enact the Freedom of Choice Act, which would prevent states or the federal government from interfering with a woman's right to choose to bear a child, terminate her pregnancy prior to viability, or terminate her pregnancy after viability when the termination is necessary to protect her life or health. Congress should also eliminate prohibitions throughout the federal government on the use of public funds to provide abortion services.
- **Ensure Equal Access to Abortion Services for All Women.** Congress should prevent discrimination against women in federally funded health care programs, including women on Medicaid, women in the military, federal employees and others, by removing restrictions that deny them the same coverage for abortion services that women in most private health insurance plans receive.
- **Expand Availability of Birth Control.** Congress should enact measures that prevent unintended pregnancies by improving women's access to preventive health care:
  - ❖ *Increase Funding for Title X.* Invest more funds in the nation's family planning program, which helps millions of low-income women prepare for and safely space their pregnancies through access to low-cost birth control.
  - ❖ *Ensure that Women can Purchase Affordable Birth Control.* Enact the Prevention Through Affordable Access Act to restore affordable birth control for clinics that make birth control available to low-income women and women in college, and the Access to Birth Control Act, to protect women's access to birth control at the pharmacy.
- ❖ *Increase Information on and Access to Emergency Contraception.* Create a public education initiative to provide women and health care providers with information about emergency contraception; require hospitals receiving federal funds to offer and provide emergency contraception to rape survivors upon request along with medically, factually accurate and unbiased information about emergency contraception; and urge the FDA to rescind its arbitrary and unjustified age and access restrictions on the non-prescription sale of emergency contraception, which contradict even the FDA's own expert scientific panel.
- ❖ *Expand Family Planning Services under Medicaid.* Allow states to expand access to family planning services under Medicaid to any woman in the state who would be Medicaid-eligible for prenatal and labor and delivery care.
- **Invest in Comprehensive Sex Education.** Teens need medically accurate information about contraception in order to make healthy, responsible decisions. Congress should create a federal program dedicated to providing comprehensive sex education – which includes information about contraception, abstinence, and how to avoid sexually transmitted diseases such as HIV and AIDS – to young people and require the provision of medically accurate information concerning the use of contraceptives in any federally funded sex education program.
- **End Federal Funding for Abstinence-Only Programs.** Since 1996, the federal government has spent over \$1.3 billion on programs that teach teens abstinence-only-until-marriage, despite mounting evidence of their inefficacy. Congress should end funding for Community Based Abstinence Education (CBAE) programs and the Title V Abstinence Education program, which provide misleading and inaccurate information to teens, promote gender stereotypes, and undermine young women's confidence in contraception when they do become sexually active.



# IMPROVING WOMEN'S EDUCATION

## Ensuring Equal Access to All Educational Opportunities

Far too many students across the country do not receive an equal chance at a high-quality and affordable education, and young women continue to be denied equal opportunities in many important educational programs. For example, girls today represent only 15% of students taking classes in traditionally male, and higher-paid, fields such as carpentry, masonry and welding – a statistic virtually unchanged from their representation in trade and industrial classes in 1977. That under-representation is mirrored in disciplines like the hard sciences and engineering; for example, women receive fewer than one-fifth of the bachelors' degrees awarded in engineering. Young women of color continue to lag behind white women, and men, in admissions to institutions of higher education and to face constrained educational opportunities in K-12 education. Yet Title IX, the landmark law prohibiting sex discrimination passed in 1972, has been weakened in key respects over the years.

- **Restore Strong Legal Protection Under Title IX Against the Full Range of Sex Discrimination in Schools.** Young women's ability to address the barriers that continue to limit their educational opportunities suffered a severe blow when the Supreme Court, in a 5-4 decision in the case *Alexander v. Sandoval*, cut back on their power to challenge a broad range of discriminatory practices, like tests that operate to screen them out of key educational opportunities. For young women and students of color to achieve true equality of educational opportunity, it is important that Congress overturn the limitation imposed by the Supreme Court to ensure that students can challenge practices that have the effect of excluding them from educational opportunities based on their race, national origin or sex. A provision doing just that is included in the Civil Rights Act of 2008, and Congress should enact that bill expeditiously.

- **Expand Access for Women to Programs in Which They Are Under-Represented.** Despite the significant under-representation that young women face in too many fields – and despite the particular barriers that young women of color confront in education – the Supreme Court has limited the ways in which secondary and post-secondary schools can take action to address under-representation and improve the racial, ethnic, and gender diversity of their classrooms. In response, schools have cut back on proactive measures that are designed to improve opportunities for under-represented groups – even though Title IX and other anti-discrimination laws in fact allow schools to take affirmative steps to address the barriers that still exclude girls and students of color from educational opportunities. The Administration should issue guidance making clear that schools are still fully empowered under the law to take carefully structured action targeted at improving educational opportunities for under-represented groups of students, and should provide technical assistance on the ways in which such programs may be implemented. Congress should also provide incentives for schools to expand their efforts to recruit and retain students from under-represented populations and hold schools accountable – including by reporting requirements – for making progress to fully diversify their programs.
- **Ensure that Young Women Have Access to Educational Opportunities Without Regard to Their Sex.** Much of the under-representation that young women face in education – be it in traditionally male areas of career and technical education, athletics, or the hard sciences – results from the explicit sex segregation and stereotyping that was the norm in education for much of this country's history. This sex segregation has not only drastically limited girls' access to education based solely on their gender; it has also perpetuated damaging stereotypes about the interests, abilities and learning styles of both male and female students.

But even though girls continue to battle the invidious legacy of this discrimination and sex segregation, the Department of Education in 2006 weakened long-standing Title IX regulatory protections to make it easier for schools to once again segregate male and female students, stating that schools may do so based on rank stereotype, and that these schools need not provide more than “substantially” equal education to those excluded from classes on the basis of their sex. The Administration must restore the original Title IX regulatory protections to ensure that schools are not allowed to perpetuate stereotypes and inequality.

## Protecting Against Sexual Harassment

Sexual and other forms of harassment remain a pervasive problem in schools across the country. Eight in ten students in kindergarten through 12<sup>th</sup> grade report having experienced sexual harassment at some point during their school lives, and girls are at particular risk. Nearly two-thirds of college students also report being subjected to sexual harassment. The consequences of harassment are serious and damaging. For example, students report feeling emotional stress as a result of the harassment and not wanting to go to classes in which they have experienced it.

- **Provide Strong Legal Protection from Harassment.** Despite the prevalence of sexual harassment and its damaging impact, female students have less legal protection to rely on than do women in the workplace or than teachers or other employees in their schools. The Supreme Court seriously undermined Title IX in a pair of 5-4 decisions that so weakened students’ protections that, unlike school employees, they often cannot hold their schools accountable for the harassment they have endured. Congress should restore adequate protection from harassment for students by enacting legislation that will create for students the same legal protections that apply to employees in the workplace. The Civil Rights Act of 2008 would provide these protections and should be enacted promptly.

## Leveling the Playing Field for Girls’ Athletics Participation

Despite the tremendous gains in opportunities for young women in athletics, they still lack equal opportunities to participate in sports – and lack equal treatment when they are allowed to play. High school girls receive only 41% of the opportunities to play competitive sports in their schools, and their teams are too often subjected to inequities in facilities, fields, equipment and school support. When they reach college, young women face similar problems, compounded by receiving only 45% of athletics scholarships and 33% of the recruiting dollars spent by colleges and universities.

- **Require Information Collection to Identify Gender Discrepancies in High School Athletics.** To ensure that discrimination can be identified and resolved, high schools should be required to collect, and annually report, data on the gender breakdown of their athletics programs and the treatment of girls’ and boys’ teams. The Equity in Athletics Disclosure Act requires the collection and reporting of similar information at the college level, and it is time that similar attention was focused on the nation’s high schools. Providing access to data that enables advocates and the public to assess gender equity in the nation’s high schools is a first step toward holding schools accountable for violations of the law.
- **Restore Title IX Protections.** In March 2005, the Department of Education issued guidelines that significantly weakened schools’ obligations to provide equal opportunities to their male and female students to participate in sports. Under the so-called “Additional Clarification,” the Department authorized schools to rely on a single e-mail survey to evaluate their female students’ interest in participation opportunities and to interpret non-responses to the survey as evidence of lack of interest. This Additional Clarification created a damaging loophole in a school’s responsibility to ensure that it is accommodating the athletics interest



and abilities of its female students. The Department should rescind it immediately; if it does not, Congress should take the requisite steps to ensure that the Clarification, which is inconsistent with Title IX, has no legal force or effect.

## Ensuring Full Enforcement of the Anti-Discrimination Laws

Although all federal grant-making agencies are charged with the responsibility to enforce Title IX in educational programs and activities that they fund, their enforcement activity has in the past been woefully inadequate to ensure that recipients of federal aid end discrimination.

- **Strengthen Enforcement Efforts by Government Agencies.** Statistics demonstrate the government's failure to adequately enforce the law. For example, the Department of Education's Office for Civil Rights – the primary Title IX enforcement agency – conducted only a single compliance review of schools' athletics programs during the period between 2002 and 2006. And the Government Accountability Office found in a study released in 2004 that three of the federal agencies that make grants for scientific research had failed to undertake *any* reviews of their grantees' compliance with Title IX's requirements for math and science educational programs. These agencies should take basic proactive steps to enforce the laws, including by initiating systemic investigations where appropriate, and the President and Congress should fully fund these enforcement efforts.

## Reducing School Dropouts

Recent research by the National Women's Law Center has shown that an alarming number of girls are dropping out of high school and that these female dropouts are at particular economic risk compared to their male counterparts. An estimated one in four female students does not graduate with a regular high school diploma in the standard, four-year time period. The rates are even

worse for female students of color. Nationwide, 37% of Hispanic, 40% of Black, and 50% of American Indian or Alaskan Native female students respectively failed to graduate in four years in 2004. While all high school dropouts pay significant costs for their lack of education, economic costs are particularly steep for women, who face especially limited employment prospects, low earnings potential, poor health status, and the need to rely on public support programs.

- **Include Dropout Prevention Programs Tailored to the Needs of Girls.** Available evidence shows that gender influences both the reasons for, and the most effective responses to, the dropout crisis. For example, studies have found that low attendance rates, the impact of sexual harassment and academic concerns – although relevant for both boys and girls – can be more significant factors for some groups of girls than for boys when deciding whether to drop out. Congress should authorize and fund research on gender-based differentials in the risks for dropping out, and should ensure that all research that is done to evaluate the effects of prevention strategies assesses those impacts separately on boys and girls of all races and ethnicities.
- **Hold Schools Accountable for Monitoring Dropout Trends.** Congress should adopt a uniform definition of graduation rates, hold schools accountable for raising these rates, and mandate that all data collected to monitor students' academic progress, including performance on tests and graduation rates, be cross-tabulated to allow evaluation of refined subgroups of students.
- **Target Programs to Pregnant and Parenting Students.** One-third of female dropouts reported in a recent survey that pregnancy and parenting responsibilities were a major factor in their decisions to leave school. At the same time, pregnant and parenting students are the group of dropouts who were most likely to say they would have worked harder if their schools had demanded more of them and provided the necessary support. Congress should

enact legislation to support this group of students, including requiring comprehensive sexuality education and supporting other effective pregnancy prevention mechanisms; mandating that schools track the academic progress of pregnant and parenting students; and funding programs that would provide enhanced supports for these students, such as on-site child care, home-based instruction, transportation to school locations more conveniently located to child-care options, and coordinated referrals to out-of-school service providers. The Department of Education should also issue guidance informing schools of their responsibilities to avoid discrimination on the basis of pregnancy and parenting status and take proactive enforcement steps to ensure that schools meet these legal requirements.

## **Ensuring Adequate Funding for Education at All Levels**

All students, at every level of education, are entitled to access to a high-quality education. And yet, funding to provide these educational opportunities has been woefully inadequate. Local education grants under Title I of the No Child Left Behind Act have been under-funded since enactment, thus depriving low-income and at-risk students of desperately needed funds, including for programs for children before they enter kindergarten. The purchasing power of Pell grants – the major federal program providing financial aid for students pursuing higher education – has declined substantially over the last two decades, at a time when college costs are rising dramatically.

- **Fully Fund Title I of No Child Left Behind.** The President should include in his budget, and Congress should authorize and appropriate, the monies necessary to ensure full funding of Title I of the No Child Left Behind Act, thus promoting a vital goal of the legislation to improve educational opportunities for low-income and at-risk students.
- **Provide Students the Funds They Need to Pursue Higher Education.** Higher education is particularly important for women, who make up a majority of undergraduate students. Because women are paid less than men to perform the same work, women need some college education to earn as much, on average, as male high school dropouts. For these reasons, it is critical for the President and Congress to work together to provide the financial support necessary for low-income students to pursue post-secondary education. Among other things, the President should budget for, and Congress should fund, the Perkins Loan program and Supplemental Educational Opportunity Grants, as well as increase the maximum amounts of Pell grants. Congress should also enact the DREAM (Development, Relief, and Education for Alien Minors) Act, which would make certain children of undocumented immigrants eligible for federal and state financial aid for higher education.
- **Support Educational Opportunities for Nontraditional Students.** Nontraditional students – those who are attending school part-time, are working, are older, or are parenting – face particular challenges in financing, and completing, a college education. For example, many federal loan programs require students to be enrolled on at least a half-time basis to receive aid, thus precluding financing for nontraditional students who take only a limited number of classes at a time. Congress should restructure student aid and loan programs to eliminate these types of barriers to the receipt of aid by nontraditional students. In addition, Congress and the Administration should adopt programs to meet the needs of nontraditional students, such as by funding on-campus childcare and providing mentoring and support services.

# GUARANTEEING EQUAL RIGHTS

## Promoting a Fair and Independent Judiciary

Over the last 35 years, the federal courts have given life and meaning to legal rights for women, through their interpretation of the Constitution's equal protection and privacy guarantees, including the right to decide whether to have an abortion, and their application of federal statutes aimed at eradicating sex discrimination and otherwise advancing women's rights. Many of these fundamental legal rights and principles, which are critical to women, have been placed at risk by the judicial appointments made during the Bush Administration to the Supreme Court as well as to the Courts of Appeals. The strong tilt of the federal courts to judges hostile to legal rights of importance to women can be corrected by both the President and the Senate.

- **Ensure that Nominees Have a Demonstrated Commitment to Upholding Longstanding Legal Protections and Principles.** Many of President Bush's most controversial nominees, including those to the Supreme Court, had prior records of hostility to women's fundamental legal rights, such as the constitutional right to privacy. Once confirmed, these nominees have participated in decisions that dramatically limit key legal protections, including the right to equal pay, the right to decide whether to have an abortion and access to the courts. The President should nominate only those individuals who have exemplary records in the law and a demonstrated commitment to protecting the legal rights of ordinary Americans, including women's rights, civil rights, and individual liberties. All judicial nominees must respect the constitutional role Congress plays in promoting women's rights and establishing health, safety and other key protections, as well as in providing remedies when these rights are denied.
- **Engage in Serious Consultation Before Nominees Are Selected.** The President should consult widely in selecting nominees to ensure that controversial ideologues are not nominated for judicial positions.
- **Nominate Individuals with Diverse Backgrounds.** The President should promote diversity – on the basis of gender, race and ethnicity – on the federal bench.
- **Senators' Role of Advise and Consent Must Include Thorough, Wide-Ranging Review and Ability to Satisfy Themselves Regarding Nominees' Records, Views and Judicial Philosophy.** The President's nominees should have publicly available records of their backgrounds and judicial philosophy sufficient to permit meaningful review by the Senate. At the same time, Senators should exercise their constitutional responsibility to provide "advice and consent" on judicial nominations by thoroughly scrutinizing those records and satisfying themselves that the nominee has a commitment to equal justice. As part of this review, Senators must require the nominee to address legal precedents on equal protection of the laws and non-discrimination in the workplace, in school, and in other facets of American life; the constitutionally protected right to privacy, including *Roe v. Wade*; and Congress' role in providing key protections for women's health, safety and economic security.
- **Hold Judicial Nominees Accountable for Their Records.** Judicial nominees with troubling records have often, during the confirmation process, tried to distance themselves from their prior positions, given evasive answers to questions about particular legal decisions or their judicial philosophy, or made general assurances that they respected precedent and would put aside their personal views as a judge. But

once confirmed, their judicial decisions bear the unmistakable traces of the troubling views manifested in their earlier records. Senators should require nominees to demonstrate their fitness for the federal bench and, rather than place on the American people the risk of the confirmation of an unsuitable nominee to a lifetime position, refuse to confirm individuals whose records fail to demonstrate respect for fundamental constitutional and other longstanding legal rights.

## Ensuring Broad Legal Protections

Women lack the broad-based fabric of protections against sex discrimination that they sorely need and that many other groups facing discrimination have had for many decades. These gaps in protection are harmful, whether in health care, insurance, public welfare or other key aspects of public life. It is critical to ensure that women are fully protected from the barriers and discrimination they continue to face on the basis of their sex.

- **Enact a Comprehensive Federal Ban on Sex Discrimination.** Some federal statutes that protect racial and ethnic minorities, as well as individuals with disabilities or those facing discrimination on the basis of age, are far broader than those protecting women based on their sex. Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act bar all recipients of federal funds from discriminating on the basis of race and national origin, disability, and age, respectively. In contrast, the statute banning sex discrimination by recipients of federal funds extends only to educational programs and activities. In addition, while discrimination based on race, national origin and disability is prohibited in public accommodations, there is no comparable federal prohibition on sex discrimination. And there is no broad-based prohibition on discrimination on the basis of sex in insurance, unless the insurance is provided in the context of employment. Congress should enact statutory protections that will bar sex

discrimination in all programs that receive federal financial assistance, as well as in public accommodations and public services.

- **Adopt the Convention on Elimination of All Forms of Discrimination Against Women.** The United States has failed to ratify the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW), an international bill of rights for women that was adopted in 1979 by the UN General Assembly. CEDAW not only defines what constitutes discrimination against women; it also requires signatories to effectuate its broad-based principles of equality by abolishing all discriminatory laws, adopting new laws necessary to protect women from discrimination, and establishing tribunals and courts to ensure the effective execution of the Convention's protections. The United States is the only industrialized nation that has not ratified CEDAW, which means that this country cannot assume its rightful role in pressing for women's rights around the world. Nor are women in this country brought into the convention's protective framework. The United States should adopt a strong and effective CEDAW.
- **Secure Constitutional Protection Against Sex Discrimination.** Under the Constitution, sex discrimination is evaluated under what is termed "middle-tier" scrutiny, rather than under the strict scrutiny standard that is applied to discrimination based on race and national origin. The lesser protection makes it harder to invalidate government practices that discriminate against girls and women. Moreover, recent judicial appointments have raised questions regarding the commitment of these judges even to the "middle-tier" standard. The Supreme Court should interpret the Constitutional Equal Protection Clause to apply a standard for evaluating sex discrimination that is at the highest level, and Congress and the states should enact and ratify the Equal Rights Amendment.

## Protecting Women From Domestic Violence

On average, in 2005, more than three women a day were murdered by their husbands or boyfriends in this country. In 1994, the Violence Against Women Act was signed into law – the first federal legislation to acknowledge domestic violence and sexual assault as crimes, and to provide federal resources to encourage community-coordinated responses. But insufficient resources have been provided to ensure adequate enforcement of the law.

- **Fully Fund and Better Implement the Violence Against Women Act.** In FY 2008, Congress increased funding for some programs under the Violence Against Women Act (VAWA) but cut funding for others. Congress should fully fund programs under VAWA. In addition, the Administration should issue the regulations necessary to ensure that victims of domestic violence, including immigrant women, are fully protected under the law, including in public housing.
- **Fund the Victims' Compensation Fund.** The Victim of Crime Act (VOCA) Fund – the greatest source of federal support for local crime victim services and victim compensation – has seen drastic cuts in recent years and was funded last year at its lowest level in six years. Each year, Congress sets a cap for the VOCA funds that can be distributed. Congress should raise the cap and increase funding for crime victim assistance.
- **Assist Victims of Domestic Violence in the Workplace.** Congress should amend the Family and Medical Leave Act to ensure that leave taken to address the consequences of domestic violence, such as attendance at court proceedings, is covered under the Act.

## Protecting Victims of Human Trafficking

Human trafficking results in horrific exploitation of its victims. In the U.S., victims of trafficking are almost

exclusively immigrants, and mostly immigrant women. Often trafficking occurs among domestic workers. While federal law bars trafficking and provides for certain penalties for traffickers, trafficking remains far too prevalent, both internationally and within U.S. borders.

- **Strengthen Protections Against Trafficking.** Federal law against trafficking is currently being reauthorized. Congress must make sure that the law's enforcement provisions, including its penalty provisions, are adequate to address the problems encountered by immigrants, domestic workers, children, and the broad array of vulnerable groups subject to trafficking practices. The Administration should also enforce relevant laws and treaties.

## Ensuring Fair Treatment for Immigrants

Immigrants, especially immigrant women, are a particularly vulnerable group because, among other things, they face unwarranted restrictions on rights and benefits provided to native born Americans and because they often lack vital legal protections. For example, many public benefits programs, such as the Supplemental Security Income program, are restricted for lawful immigrants and unavailable for undocumented immigrants, and children of undocumented immigrants are barred from many sources of federal and state support for higher education.

- **Eliminate Unwarranted Restrictions on Immigrants.** Congress and the Administration should work to ensure that immigrants are not subject to unfair restrictions because of their immigration status. For example, it is critical that workplace protections, such as anti-discrimination laws, fully apply to immigrants; that educational opportunities are made available to immigrants and their children; and that immigrants' eligibility for government benefits is not unreasonably limited. Congress and the Administration must eliminate barriers that prevent achievement of these goals.







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