Collection: Blackwell, Morton: Files
Folder Title: Family Protection Act
(1 of 5)
Box: 9

I think time is app. for this now. We have talked w/ Max Fre

Office

Barbara

scheduler

224-0043

June 30, 1981

TO:

FROM: MORTON BLACKWELL, Office of Public Liaison

THROUGH: ELIZABETH DOLE

RE: Briefing by supporters of Family Protection Act

DATE: July 16, Thursday, 8:00 AM, Room 132, OEOB

We are hosting a discussion at the request of conservative organization leaders:

those requesting the meeting are:

Connie Marshner, National Pro-Family Coalition
Dr. Ron Godwin, Moral Majority
Phyllis Schlafly, Eagle Forum
Peter Gemma, National Pro-Life PAC

The discussion will center on the Family Protection Act.

Senator Roger Jepsen will lead this discussion. The Senator's wife, Dee, and Congressman Albert Lee Smith will attend. Senator Jepsen and Congressman Smith are co-sponsors of this bill.

the wife, Eunice,

We are inviting the following Administration officials to this meeting and thus, I hope you or a member of your staff will attend.

VP Bush

Secretary Richard Schweiker
Secretary Terrell Bell
OMB Director Dave Stockman
Jim Baker
Ed Meese
Mike Deaver
Martin Anderson
Max Friedersdorf

Please R.S.V.P. to Kathy Christiansen at 456-2657.

REQUEST FOR APPOINTMENTS

To: Officer-in-charge
Appointments Center
Room 060, OEOB

Please admit the following appointments on October 7, 19 81

for Morton C. Blackwell (NAME OF PERSON TO BE VISITED) of Office of Public Liaison (AGENCY)

JEPSEN, Roger
JEPSEN, Dee
SMITH, Albert Lee
SMITH, Eunice
MARSHNER, Connie, National Pro-Family Coalition
GODWIN, Ron, Moral Majority
BARR, Noreen, Eagle Forum
JONES, Gordon, United Families of America
RODRIGUEZ, John, Department of Education
BESSEY, Gina, Office of Sen. Jepsen
RUBIN, Robert, Department of Health and Human Services
ROPOG, Louise, Moral Majority

Vice President's office, Mary Gall
OMB, Don Moran
OPD, Gary Bauer
Legislative Affairs, Powell Moore ?

MEETING LOCATION

Building OEOB

Requested by Morton C. Blackwell

Room No. 132

Room No. 191 Telephone 2657

Time of Meeting 9 A.M.

Date of request Oct 6, 1981

Additions and/or changes made by telephone should be limited to three (3) names or less.

APPOINTMENTS CENTER: SIG/OEOB — 395-6046 or WHITE HOUSE — 456-6742

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

October 6, 1981

TO: Elizabeth H. Dole

FROM: Morton C. Blackwell

RE: Briefing on the Family Protection Act

The purpose of this meeting is to begin dialogue between Administration policy makers and private sector groups which are supporting the Family Protection Act.

The private sector groups represented at this meeting will be:

1. Connie Marshner, National Pro-Family Coalition
2. Ron Godwin, Louise Ropog, Moral Majority
3. Gordon Jones, United Families of America
4. Noreen Barr, Eagle Forum

Also present at the meeting will be the principal sponsors in both House of Congress:

Senator Roger Jepsen
Congressman Albert Lee Smith

In the last Congress the predecessor Family Protection Act was sponsored by Senator Paul Laxalt, who strongly supports the bill now, but has relinquished principal sponsorship this year to Senator Jepsen.

In addition to yourself and me, Administration representatives will be:

Don Moran, OMB
Gary Bauer, OPD
Robert Rubin, Assistant Secretary for Planning and Evaluation at HHS
John Rodriguez, Deputy Under Secretary of Education for Intergoverenmental and Inter Agency Affairs
Mary Gall, Vice President's office
Lyn Nofziger, (tentative)
Bill Gribbin, (tentative)

The Family Protection Act has been divided by Senator Jepsen into several separate bills. Hearings in the Senate on segments of the act are commencing later this month.

SUGGESTED TALKING POINTS

- This meeting is part of our job in the Office of Public Liaison as facilitators of policy communications between private sector organizations and the Administration

- The Family Protection Act is strongly supported by many pro-family organizations which have been very helpful by their support of the President's legislative program

- I think the best way to start this conversation is to ask Senator Jepsen to summarize the purpose and provisions of the Family

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

September 23, 1981

TO:

~~FROM: Morton Blackwell, Office of Public Liaison~~

From ~~THROUGH:~~ Elizabeth H. Dole

RE: Briefing by supporters of Family Protection Act

DATE: October 7, 1981 9:00 A.M. Room 132 Wednesday morning

At the request of conservative organization leaders, we are hosting a discussion regarding the Family Protection Act. Those requesting the meeting are:

- Connie Marshner, National Pro-Family Coalition — Front Royal yes
- Dr. Ron Godwin, Moral Majority yes –
- Phyllis Schlafly, Eagle Forum Noreen Barr
- Peter Gemma, National Pro-Life PAC — Father Fiore Jordan Jones

Senator Roger Jepsen will lead this discussion. The Senator's wife, Dee, and Congressman Albert Lee Smith and his wife, Eunice, will attend. Senator Jepsen and Congressman Smith are co-sponsors of this bill.

We are inviting the following Administration officials to this meeting and thus, I hope you or a member of your staff will attend.

Vice-President George Bush – check V.P.'s schedule – Mary Gall
Secretary Richard Schweiker – Robert Rubin
Secretary Terrell Bell – ~~John Rodriguez~~ Don
OMB Director Dave Stockman – Moran –
Jim Baker
Ed Meese
Mike Deaver
Martin Anderson – Bob Carlson — Gary Bauer
Max Friedersdorf
Lyn Nofziger
Elizabeth Dole
Richard Williamson

Please R.S.V.P. to Kathy Christiansen at 456-2657.

Invitation – Include who E

call to get gold

Moral Majority Rept Aug, 1981

file
Family
Protection
Act.

Recently, Cal Thomas, Moral Majority's vice-president for communications, met at the White House with Vice-president George Bush. Bush discussed policies of the Reagan Administration as well as his personal views on conservative issues. He commented on the role of Moral Majority and the social issues of importance to pro-moral Americans.

Thomas: Sen. Jepsen has introduced The Family Protection Act. Our readers are interested in the provisions of the Act that deal with the restoration of parental rights in areas where there is conflict. They also care about provisions relating to religious and moral upbringing, including notificatin of parents should a minor child seek an abortion or birth control devices. Do you feel that the Family Protection Act deserves administration support?

Bush: Again, I am not shaping policy and I've learned not to get ahead of the White House on the poli[illegible] making machinery. I don't believe the administration has taken a position on it. Having said that, the provisions that you are talking about, notification of the parents of minor children, that's a personal conviction of mine that makes good sense. But I'm going to have to pull back on legislation, the timing of it, because you you know many of the president's emphases is on turning the country around economically and that doesn't mean he has retreated one inch from his conviction on social issues. It does mean that he wants to concentrate his attention on the tax bill, particularly before Congress adjourns. But I expect that the Administration will be addressing itself to this issue. Jepsen is a friend of the administration and I think if he is smart, while he is, he will be pressing for a position on his package. But the principles you have spelled out would have my support and would have his (the president's).

191 2606

THE WHITE HOUSE
WASHINGTON

September 29, 1981

TO: RED CAVANEY

FROM: MORTON BLACKWELL

RE: Briefing by supporters of the Family Protection Act

The Family Protection Act, while controversial among liberal groups, is of the upmost importance of most of the pro-family groups.

May I proceed with issuing invitations per the attached?

THE WHITE HOUSE
WASHINGTON

September 23, 1981

TO: Red

FROM: Morton

RE: Briefing by supporters of
Family Protection Act

I think the time is appropriate for this now. We have talked with Max Friedersdorf's office previously and have cleared this.

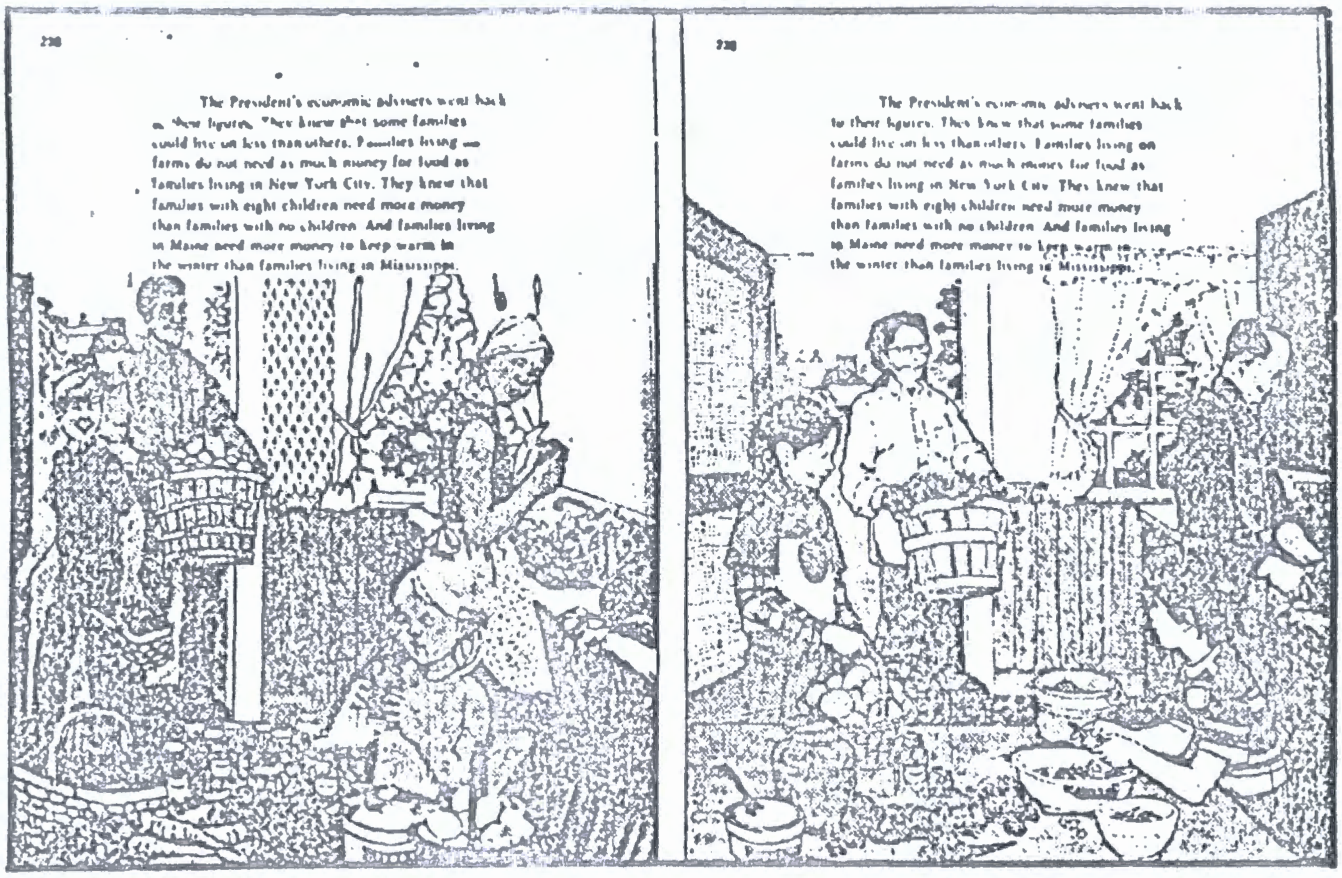
Senator Dole's finance committee is having hearings on Title II - the major "bills" of this act - on October 16.

Also, note the statement by Vice-President Bush regarding support for this issue.

Note the date of Wednesday morning,
October 7 9:00 AM,
This is about the only time they can do this.
If we can have approval from you, we will send the appropriate invitations.

Thank you.

Publishers Depict Women in New Ways



Illustrations from old, left, and new textbook —Holt, Rinehart and Winston's "Inquiring About Technology" — reflect changes in male-female roles

By JEAN E. COLLINS

A McGRAW-HILL children's book was ready for production when someone noticed that there wasn't one woman as tall as the smallest man. A quick revision was ordered, and an artist cut a man down to size. He nicked small sections from a male dentist's knees, making him the same height as a woman dentist standing next to him.

At the offices of McGraw-Hill and other publishing houses, firemen have become firefighters, mailmen have become letter carriers, workmen have become workers and in the illustrations there has come about an energetic removal of aprons from women and pinafores from young girls.

The changes that have occurred in the treatment of women in elementary and secondary textbooks during the last five years have been primarily in response to pressure by the women's movement on the 22 states that have statewide or centralized committees for adoption of textbooks. These committees evaluate texts for use in the state's schools and must approve a book in order for state funds to be used to buy it. In some publishing houses, such as McGraw-Hill, women employees also created pressure for change in textbooks.

Scott, Foresman and Company was the first publisher to take action by issuing in 1972 its "Guidelines for Improving the Image of Women in Textbooks." Its guidelines were developed in response to criticism by Women on Words and Images, a group of women that organized to study sex-role stereotyping in reading books.

"Publishers were very quickly affected by state decisions," said Paula Hartz, managing editor for secondary language arts at Holt, Rinehart and Winston. "The textbook publishers had a strong economic reason to stop sexism."

By 1976, most publishers were dealing with sexism. Today, almost all the major textbook publishers — nearly 40, according to the National Education Association — have issued guidelines on the treatment of women. Many of the ... also cover treatment of mi... ... approved for use in the 22 ... so ... are eager to survive the most rigorous textbook-selection processes.

"There's a huge economic incentive to have a text adopted in California," said Dr. Shirley McCune, director of the Resource Center of Sex Roles and Education, centered in Washington. "One publisher we're working with invested $5 million in a math series, but didn't consider sex stereotyping. Imagine their shock when the series couldn't be adopted. Now it'll take several more million to clean up the series."

One criterion that must be met for a book to be approved for use in California, according to a 1972 state law, is that "Descriptions, depictions, labels, or retorts which tend to demean, stereotype, or be patronizing toward females must not appear."

California is typical in starting its textbook-review process by notifying publishers of a call for adoption of textbooks in a certain subject area. The adoption states vary in their textbook-review methods, but most hold open hearings on the texts. The National Organization for Women is one group that has participated in these hearings and helped influence which books were accepted and rejected.

In addition to open hearings, California has 31 textbook display centers throughout the state that are open to the public for criticism of textbooks being considered for adoption. The publisher has to respond successfully to any criticisms in order for a book to be approved. One person can be, and has been, instrumental in causing a text to be rejected for use in California.

The changes in textbooks that have resulted from such pressures involve two main areas: revising the language in books to make them "sex fair" and also publishing "sex affirmative" books with positive images of women.

The following "before and after" example from a section called "At Work in the Sky" in McGraw-Hill Book Company's "New Practice Readers" shows an effort to eliminate sexist language and makes some change in content in an effort to break job stereotypes. The 1960 version read:

"Most of the work of looking after passengers is done by women called stewardesses. The job of the stewardess is to make people comfortable. She helps people who are old or sick, and women with babies. Many stewardesses are very pretty. But it takes more than a pretty face to make a good stewardess."

The 1978 version became:

"Most of the work of looking after passengers is done by women and men called flight attendants. The job of flight attendants is to make people comfortable. They help people who are old or sick, and help parents with children. Many flight attendants are very good looking. But it takes more than good looks to make a good flight attendant."

Sex-fair books have a ratio of roughly one-to-one of males to females in the pictures and as protagonists and avoid the worst stereotypes. Sex-affirmative books, which include such content as positive female images and discussion of sex discrimination, are more complicated and costly to publish than sex-fair books, and progress in this area has been much less marked.

One revision to make a fifth-grade math textbook sex affirmative involved replacing Johann Sebastian Bach, Wolfgang Amadeus Mozart and Napoleon Bonaparte with Phyllis Wheatley, a black poet, and Molly Pitcher, the Revolutionary War heroine.

Estimates of when the effect of the books might be determined vary from 10 years to a generation from now.

"The changes have been tremendously important at one level, and fairly cosmetic at another," Dr. McCune said.

"Many unrevised books are still being used in schools that cannot afford to replace them," said Alma Graham, senior manager for editing and styling for McGraw-Hill's Webster Division. "Even when revised books are being used, sexist behavior by teachers and other influences such as bias in the media can negate any positive effect the books may have on students." ■

Jean E. Collins frequently writes on education and health.

United States Senate

MEMORANDUM

[redacted]

3 cases of Federal funding of advocacy (litigation) of abortion.

[redacted]

[redacted]

[redacted]

Preterm Inc. v. Dukakis, No. 78-1324. Greater Boston Legal Services represents the appellants in an action challenging a Massachusetts law limiting expenditure of state funds for abortion to those necessary to prevent the death of the mother.[2] Greater Boston Legal Services is publicly-funded. The law limiting state funds for abortion to save the life of the mother was the result of citizen involvement in and participation in the political process, a right guaranteed by the Constitution. This Legal Services Corporation-funded office by this action was overriding the wishes of citizens.

G. v. Edwards, No. 77-1342. New Orleans Legal Assistance Corporation represents plaintiffs and wins a court injunction against enforcement of a Louisiana statute prohibiting use of public funds for abortion except to prevent the death of the mother. The court found the statute violative of the Social Security Act. New Orleans Legal Assistance Corporation (NOLAC) receives funds under the Legal Services Corporation. Not only is NOLAC using public money to countervene the will of the public; it is using public funds to bring about legal precedents contrary to the legislated intent of the citizens of Louisiana, and forcing such compulsion on the basis of interpretations of federal law.

Zbaraz v. Quern, No. 77 C 4522. The Legal Assistance Foundation of Chicago wins an injunction against Illinois law P. S. 80-1091, which prevented state medical payments for abortions other than those performed to save the life of the mother. The court ruled that Illinois must pay for all abortions for pregnant women if a doctor states that the abortion will help the woman's "health."[4] Legal Assistance Foundation of Chicago receives public money.

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2. Clearinghouse Review, April 1979, p. 913.

3. Clearinghouse Review, March, 1979, p. 840.

4. Clearinghouse Review, August, 1978, p. 245.

(33)

William Dussault. [Here reported: 24,651A Complaint (45pp.).]

Plaintiffs are residents of Washington's five institutions for mentally retarded persons. They bring this action on behalf of themselves, on behalf of their fellow residents at the institutions, and on behalf of those mentally retarded persons residing in the community who either have been institutionalized or risk institutionalization, and who do not receive the services necessary to meet their needs and prevent institutionalization. Plaintiffs allege that the residents of the institutions do not receive adequate care or services and are forced to live a barren, drab existence. As a result, they have suffered years of physical, intellectual and emotional injury, deterioration and deprivation and have been unable to develop to their maximum potential. They contend that this situation is perpetuated by segregating mentally retarded and/or severely handicapped persons in remote and heavily populated institutions and by denying them access to appropriate services in the least restrictive setting.

Plaintiffs further allege that, despite a legislative and agency commitment to the development of increased community services for the developmentally disabled, defendants have failed to develop services sufficient in quantity or quality to allow placement of institutionalized persons into the community or to provide suitable care and opportunities for those persons already in the community. Plaintiffs base their claims on the first, fourth, fifth, eighth, ninth and fourteenth amendments to the Constitution; the Rehabilitation Act of 1973, 29 U.S.C. §§701 *et seq.;* the Developmentally Disabled Assistance and Bill of Rights Act, 42 U.S.C. §§6001 *et seq.;* Titles XIX and XX of the Social Security Act, 42 U.S.C. §§1396 *et seq.* and §§1397 *et seq.;* the Education of the Handicapped Act, 20 U.S.C. §§1401 *et seq.;* the Vocational Education Act, 20 U.S.C. §§2301 *et seq.;* and 42 U.S.C. §1983. Plaintiffs seek declaratory and injunctive relief.

HEALTH

TRO Prevents Transfer of Medicaid Patient from Nursing Home

24,702. Stitt v. Manor Care of Willoughby, Inc., No. C78-630 (N.D. Ohio, filed June 8, 1978). Plaintiff represented by Charles Delbaum, H.M. Cochran, American Civil Liberties Union Rights of the Institutionalized Project, 1223 W. 6th St., Cleveland, OH 44113, (216) 687-1900; Gordon Beggs. [Here reported: 24,702A Amended Complaint (12pp.); 24,702B Order (1p.); 24,702C Memo for Class Certification (14pp.); 24,702D Memo for Prelim. Inj. (37pp.).]

Plaintiff herein is a Medicaid recipient who resides in a nursing home. She alleged that defendants were attempting to transfer her and other Medicaid patients from the nursing home because her Medicaid payments were lower than payments received from the home's private patients. Plaintiff brought this class action to prevent the transfers, alleging that the transfers violate the Patient Bill of Rights, 42 C.F.R. §§405.1121(k)(4), (1) and (j), and the *Ohio State Plan for Medical Assistance Handbook* §§306(4) and 307.6(1).

The court granted a TRO preventing the named plaintiff from being transferred but denied such relief for the class. Plaintiff has submitted memoranda in support of class certification and in support of a preliminary injunction. Plaintiff argues that she and the class have an implied right of action to enforce defendant home's compliance with the Medicaid statute and regulations, and that members of the class are entitled to hearings prior to being transferred. Plaintiffs also charge the state Medicaid administrators with failing to enforce the Medicaid regulations regarding transfers.

Health Consumers Seek Hospital's Compliance With Its Hill-Burton Obligations

24,625. Beaver v. Methodist Hospital, Inc., No. 78-2306 (W.D. Tenn., filed June 28, 1978). Plaintiffs represented by Donald Donati, Memphis Area Legal Services, 316 Dermon Bldg., Memphis, TN 38103, (901) 526-5132; Sylvia Ivie. [Here reported: 24,625A Complaint (15pp.); 24,625B Memo for Class Certification (7pp.); 24,625C Memo for Prelim. Inj. (9pp.); 24,625D Plaintiffs' First Interrogatories (10pp.).]

This is a class action by consumers of health care within the geographic service area of defendant hospital. Plaintiffs seek injunctive and declaratory relief with respect to the hospital's failure to provide a reasonable volume of services to persons unable to pay therefor in violation of the hospital's statutory, contractual and constitutional duties under the Hill-Burton Act and the United States Constitution. Plaintiffs also seek changes in the hospital's policies and procedures as required by statute and contract which are necessary to assure plaintiffs the free and below-cost services to which they are entitled under the Hill-Burton Act.

Illinois Department of Public Aid Must Pay for Abortions Necessary for the Health of Pregnant Women

23,366. Zbaraz v. Quern, No. 77 C 4522 (N.D. Ill., June 13, 1978). Plaintiffs represented by Aviva Futorian, Robert Lehrer, Wendy Meltzer, James Weill, Legal Assistance Fdn. of Chicago, 343 S. Dearborn, Chicago, IL 60604, (312) 341-1070. [Here reported: 23,366J Final Judgment & Order (4pp.); 23,366K Judgment (1p.). Previously reported at 12 CLEARINGHOUSE REV. 59 (May 1978).]

The court has ruled that the Illinois Department of Public Aid must pay for all abortions for pregnant women eligible for one of its medical assistance programs (Medicaid, General Assistance Medical, Aid to the Medically Indigent), if the abortions are necessary for their health. Whether an abortion is necessary for the health of a pregnant woman is up to the woman's doctor, exercising his medical judgment on the basis of all factors affecting the pregnant woman's health. The ruling enjoins enforcement of P.A. 80-1091 which prevented state medical payments for abortions other than those performed to save the life of the mother.

recoverable as a cost item by providers of services under the Medicare Act. The hospital alleged that the reimbursement authorized by the regulation was so low as to contravene statutory principles mandating reimbursement of "reasonable costs" and proscribing subsidization by non-Medicare patients of hospitalization costs of Medicare beneficiaries. The hospital alleged further that the inadequate reimbursement constituted a taking of property without just compensation. Finally, it alleged that the regulation had been promulgated without adherence to the Administrative Procedure Act. The district court rejected the hospital's procedural objection and ruled in its favor on the statutory claim, declining to reach the constitutional argument.

The Court of Appeals for the District of Columbia Circuit has ruled that the district court lacked power to entertain the hospital's substantive claims because of its failure to resort first to the administrative process set forth in the Medicare Act, 42 U.S.C. §§1395 *et seq.* However, the court affirmed the district court's ruling with respect to the hospital's challenge to the regulation on procedural grounds.

Louisiana Abortion Statute Found to Violate Social Security Act

22,392. G. v. Edwards, No. 77-1342 (D. La., Nov. 27, 1978). Plaintiffs represented by Jane Johnson, New Orleans Legal Assistance Corp., 226 Carondelet St., New Orleans, LA 70130, (504) 529-7551. [Here reported: 22,392G Opinion (9pp.). Previously reported at 12 CLEARINGHOUSE REV. 506 (Dec. 1978).]

The court enjoined enforcement of the Louisiana statute which probibited use of any public funds for abortions except when the abortion is medically necessary to prevent the death of the woman. The court found the statute to be violative of the Social Security Act and regulations, 42 U.S.C. §1396a(10)(c), in that it barred the use of Medicaid funds for necessary medical services solely because of the type of illness involved. An injunction and order to certify the class issued.

Black Lung Benefits Awarded to Coal Miner Deprived by Administrative Law Judge of Statutory Presumption of Disability

25,166. Blankenship v. Califano, No. 77 C 2691 (N.D. Ill., Oct. 5, 1978). Plaintiffs represented by James Chapman, 33 N. Dearborn St., Chicago, IL 60602, (312) 263-0789. [Here reported: 25,166A Complaint (3pp.); 25,166B Answer (2pp.); 25,166C Plf's Memo in Support of Summary Judgment (19pp.); 25,166D Def's Memo in Support of Summary Judgment (18pp.); 25,166E Reply Memo in Support of Plf's Motion for Summary Judgment (16pp.); 25,166F Memorandum (16pp.); 25,166G Order (2pp.).]

HEW had denied plaintiff's application for black lung benefits under the Federal Coal Mine Health and Safety Act of 1969. On cross-motions for summary judgment, the issue was whether the agency's decision was supported by substantial evidence.

Plaintiff claimed that he suffered from chest pains and shortness of breath resulting from 18 years in the mines. The Act is designed to ensure adequate benefits to minors totally disabled by pneumoconiosis and creates a rebuttable presumption that a miner suffering from a totally disabling respiratory ailment who has served at least 15 years in the mines is now totally disabled due to pneumoconiosis, 30 U.S.C. §§901, 921(c)4. The court held that the administrative law judge (ALJ) had ignored plaintiff's right to that presumption. The ALJ had held that because plaintiff had engaged in subsequent gainful employment, there was no qualifying disability. The court held, however, that failing to consider certain evidence entitling plaintiff to the presumption was a capricious denial of statutory rights. Plaintiff's motion for summary judgment was granted.

Children of Deceased Coal Miner Not Entitled to Black Lung Benefits Because They Are Not Dependent upon Miner's Widow

18,858. James v. Califano, No. 77-2264 (4th Cir., Jan. 19, 1979). [Here reported: 18,858C Opinion (4pp.). Previously reported at 10 CLEARINGHOUSE REV. 360 (Sept. 1976).]

The Fourth Circuit has affirmed a district court decision denying benefits to acknowledged, illegitimate children of a deceased coal miner under the Federal Coal Mine Health and Safety Act. The basis for the denial is the provision in the black lung law which precludes the entitlement of children to benefits in any month in which a surviving widow is eligible. The plaintiff children were dependents of the coal miner but were not dependent upon the surviving widow.

New York Welfare Agency Must Give 10 Days' Notice Before Requiring Drug Co-Payments by Medicaid Recipients

21,677. Becker v. Blum, No. 77 Civ. 2561 (S.D. N.Y., Dec. 28, 1978). Plaintiffs represented by David Posner, Joan Schmukler, Mid-Hudson Legal Services, 54 St. John St., P.O. Box 821, Monticello, NY 12701, (914) 794-0440; Rene Reixach; Ellice Fatoullah. [Here reported: 21,677J Brief in Support of Plfs' Motion for Partial Summary Judgment (13pp.); 21,677K Memo in Opp'n to Motion (12pp.); 21,677L Plfs' Reply Brief (8pp.); 21,677M Letter (4pp.); 21,677N Memo Order (13pp.). Previously reported at 11 CLEARINGHOUSE REV. 389 (Aug. 1977).]

Plaintiff Medicaid recipients challenged a New York statute requiring that beneficiaries co-pay a portion of the cost of medical appliances and prescription drugs. They contended that they are entitled to timely and adequate notice of the co-payment requirement, that the statute violates equal protection, and that the agency's failure to consult with the medical advisory committee violates 42 U.S.C. §1396a(D)(22).

Florida must also establish appeal procedures which include timely notice and the right to a hearing. The court has certified a class and has ordered defendant to notify the class of the order.

First Circuit Requires Massachusetts Abortion Law to Be No More Restrictive Than Federal Medicaid Act; Remands for Consideration of Hyde Amendment

26,085. Preterm, Inc. v. Dukakis, No. 78-1324 (1st Cir., Jan. 15, 1979). Appellants represented by Barbara Sard, Greater Boston Legal Services, 466 Blue Hill Ave., Roxbury, MA 02121, (617) 442-0211; Nancy Gertner, John Reinstein. [Here reported: 26,085A Complaint (14pp.); 26,085B Plfs' Memo for TRO (42pp.); 26,085C State Defs' Memo in Opp'n (12pp.); 26,085D Plfs' Memo for Prelim. Inj. (34pp.); 26,085E Plfs' Memo in Opp'n to Motion to Intervene (8pp.); 26,085F Plfs' Memo in Opp'n to Motion to Intervene (2pp.); 26,085G State Defs' Memo in Opp'n to Prelim. Inj. (19pp.); 26,085H Opinion (18pp.); 26,085-I Order (2pp.); 26,085J Memo for Motion for Inj. Pending Appeal (23pp.); 26,085K Defs' Opp'n (8pp.); 26,085L Plfs' Reply Memo (17pp.); 26,085M Order (3pp.); 26,085N Defs' Suggestion That Court Solicit HEW's Views (5pp.); 26,085-O Suggested Letter (3pp.); 26,085P Defs' Memo in Support (9pp.); 26,085Q Letter (1p.); 26,085R Appellants' Brief (115pp.); 26,085S Defs' Brief on Appeal (105pp.); 26,085T Opinion (35pp.); 26,085U Appellants' Petition for Rehearing (12pp.).]

This action challenged a Massachusetts law limiting the expenditure of state funds for abortion to those necessary to prevent the death of the mother. The district court found that the law violated the basic thrust and specific provisions of the Medicaid Act by failing to provide for abortions that were "medically necessary." The preliminary injunction which issued, however, reached only those abortions that may be funded in light of the Hyde Amendment, Pub.L. No. 95-205, which prohibited federal funding for abortions except when life is endangered or where the woman is a victim of rape or incest or would suffer severe and long-lasting physical health damage, as determined by two physicians, if the pregnancy were carried to term.

Pending appeal, the First Circuit expanded the injunction to include all women for whom a physician has determined an abortion to be medically necessary. On appeal, the court held that the state law restrictions to situations of life or death were inconsistent with the requirements of the Medicaid Act. As for the Hyde Amendment, the court held that it constituted a policy decision which leaves states free to fund more abortions than those for which federal funds are available. The Medicaid Act, the court held, has been altered by the Hyde Amendment; the state must, therefore, fund at least as many abortions as would be federally reimbursed under the terms of the Amendment. The case was remanded for consideration of the constitutionality of the Hyde Amendment.

> In its March 1979 column, the National Senior Citizens Law Center inadvertently left out the prefix "non-" in its discussion of non-209(b) states in Footnote 7. 12 CLEARINGHOUSE REV. 819 (Mar. 1979). The footnote should have read: "This article assumes that none of the *non*-209(b) states, with or without medically needy programs, are applying a transfer rule to categorically needy individuals . . . ."

Medicaid Applicant Challenges State Regulations Which Count Life Estate in Real Property as Available Resource

26,115. Simmons v. Morrow (E.D. N.C., filed Feb. 20, 1979). Plaintiff represented by James Gillespie, Michael Shepard, Legal Services of the Lower Cape Fear, P.O. Box 814, Wilmington, NC 28402. [Here reported: 26,115A Complaint (5pp.).]

A North Carolina Medicaid claimant has brought this class action to challenge the denial of benefits to persons holding life estates in real property, the value of which is alleged to be computed in an arbitrary and unrealistic manner. Because the applicant is not allowed to present evidence on the value of the property interest, the suit contends, an irrebutable presumption is created in violation of due process, equal protection, Medicaid regulations and the state's Administrative Procedure Act.

Under the Medicaid program, an applicant's home and one acre of land is not to be counted in determining eligibility. Further, any resources counted must be available to the claimant. State regulations provide that the value of a life estate must be counted as a resource though plaintiff contends that his life estate cannot be sold and thus has no current market value. Regulations also provide that the current market value be used in the computation, without regard, says the plaintiff, to the actual value. Such state regulations allegedly violate 42 C.F.R. §435.845 as well as the constitution. The complaint prays that an injunction against the state procedures be issued.

Welfare Department Ordered to Fund Gastric Bypass Operation for Treatment of Obesity

25,998. Wilaby v. Minnesota Department of Public Welfare, No. 78-DC-301 (Minn. Dist. Ct., Blue Earth County, Feb. 5, 1979). Appellant represented by Charles Thomas, Southern Minnesota Regional Legal Services, 529 S. Fifth St., Mankato, MN 56001. [Here reported: 25,998A Appellant's Brief (22pp.); 25,998B Respondent's Memo (8pp.); 25,998C Appellant's Reply Brief (8pp.); 25,998D Memo Order on Appeal (8pp.).]

The court has reversed the Minnesota Department of Public Welfare and has ordered it to pay for the appellant's gastric bypass operation under the state-funded General Assistance Medical Care (GAMC) Program. The appellant

United States Senate

MEMORANDUM

[redacted]

Federal funding of groups which advocate ~~[illegible]~~ abortion.

Federally-funded ~~prog~~ publications advocating abortion.

· CRCM

[redacted]

[redacted]

[redacted]

INTRODUCTION

IT THE NATIONAL CLEARINGHOUSE FOR FAMILY PLANNING RMATION . . .

Family Planning Materials is a publication of the National Clearinghouse for Family Planning Information, which was established by the Office for Family Planning in the Bureau of Community Health Services (DHEW). The purpose of the Clearinghouse is to promote the exchange of family planning information among service providers, consumers, trainers, and educators. In addition to this catalog, the Clearinghouse offers other information services, including the publication of bulletins, fact sheets, bibliographies, and a directory of family planning grantees and clinics.

ODUCING FAMILY PLANNING MATERIALS . . .

This first edition of Family Planning Materials lists approximately 1,000 print and audiovisual patient education and staff training resources. Also included are materials designed for groups with special needs, such as adolescents and the mentally and physically impaired.

The Clearinghouse recognizes the responsibility to provide access to its national community. But, as family planning materials vary greatly in tone, treatment, and level of difficulty, inclusion of materials in this catalog should not be interpreted as a recommendation or endorsement by the Office for Family Planning or the Clearinghouse. Therefore, in order to judge the appropriateness of an item for a particular group, careful preview is advised.

Finally, as the Clearinghouse intends to publish supplements to update this catalog, we welcome any suggestions for additions, deletions, or improvements. We hope that you find Family Planning Materials a helpful guide in your educational efforts.

TO USE FAMILY PLANNING MATERIALS . . .

The catalog is divided into two sections--PRINT MATERIALS and AUDIOVISUAL MATERIALS. In each section materials are listed alphabetically by title under the appropriate subject heading as enumerated in the Table of Contents. Representative entries from the two sections of the catalog are explained below.

Examples from PRINT MATERIALS:

author (s)	Johnson EW
title	LOVE AND SEX IN PLAIN LANGUAGE
distributor	Bantam Books 1974 11pp $.95ea
type	book
contents	Information on sexual behavior is provided for teenagers in an honest and simple style. The sex organs and how they work, intercourse, marriage, pregnancy, masturbation, VD, and contraception are among the subjects discussed.

author (s)	Paul EW Pilpel HF Wechsler NF
title	PREGNANCY, TEENAGERS AND THE LAW, 1976
distributor	Planned Parenthood Federation of America Inc 1976 6pp $.25ea bulk available
source	Family Planning Perspectives 8:1
type	pamphlet
explanation	reprint/journal article
contents	A marked expansion of the rights of teenagers to consent for their own medical and surgical treatment--especially contraception, abortion, VD treatment, and all pregnancy-related health services--is reviewed in an analysis of recent affirmative statutes, court decisions, and general opinions by the attorney-authors. A table giving state-by-state analysis of legislation is included.

Examples from AUDIOVISUAL MATERIALS:

title	THEN ONE YEAR
distributor	Churchill Films 1972 color 19 min purchase $240 rental $21
type	16mm film
contents	This film explains the changes that boys and girls experience in adolescence. Included are discussions of wet dreams, masturbation, fertilization, growth rate, and hygiene.

producer (s)	Schwarz LC Veriation Films
title	YOUNG, SINGLE AND PREGNANT
distributor	Perennial Education Inc color 18min purchase $265 rental $26.50
type	8mm, 16mm, videocassette
contents	This documentary deals with four young women who reflect on their experiences since becoming pregnant and on their four different solutions: adoption, abortion, marriage, single parenthood. The individuality of every woman's experience and subsequent decision is stressed.

Whenever available, purchase and rental costs, as well as other descriptive information, have been included for all materials. Yet, since prices fluctuate considerably over time, these listings should be regarded only as indications of relative cost. In addition, some distributors add varying postage and handling charges which must be included in the total cost of an order. Therefore, prices and other charges should be confirmed with the distributors before ordering.

Also, it should be noted that materials listed in this catalog will not be distributed by the Clearinghouse unless specifically indicated. Materials should be ordered directly from the distributor listed for each entry. Addresses of distributors are listed in the distributor indexes.

The main body of the catalog is followed by several indexes to enable the user to search for materials under author, title, distributor, and languages other than English.

SPECIAL THANKS . . .

The Clearinghouse is especially grateful for the help and guidance of the following advisory consultants:

Felicia Guest, Materials Developer/Trainer, Emory University Regional Training Center for Family Planning, Atlanta, GA

Ronald H. Magarick, Ph.D., Associate Director of Education, Johns Hopkins Program for International Education in Gynecology and Obstetrics, Baltimore, MD

Betty Nichols, Retired from Planned Parenthood of Metropolitan Washington, D.C., Montgomery County Clinic

The Clearinghouse also appreciates the generous responses to its requests for materials from family planning service providers and commercial producers.

Marvel Comics Group
Robinson A
Andru R
AMAZING SPIDERMAN VS THE PRODIGY
Planned Parenthood Federation of America Inc
1976 16pp $.25ea bulk available
comic book
Spiderman must stop an alien who keeps facts about sex from teenagers so they will produce babies he needs to conquer new worlds. Basic facts about pregnancy and VD follow the story.

AS YOU GROW UP
Channing L Bete Co Inc
1976 15pp $.50ea
booklet
Using key words and clear graphics, this straightforward booklet introduces young people to the changes that occur in their bodies, to emotions during puberty, and to the basic facts about human reproduction.

HEW Bureau of Community Health Services
BARULLO DE CONVERTIRSE EN PADRES ADOLESCENTES
National Clearinghouse for Family Planning Information
1976 9pp no charge HSA 76-16029
pamphlet
Addressed to teenagers, this pamphlet discusses physical problems adolescent mothers may expect, the importance of birth control, and information on fertility, pregnancy, contraceptive methods, and venereal diseases.

Hayes MV
BOY TODAY...A MAN TOMORROW
Optimist International
1976 16pp $.50ea bulk available
booklet
This booklet is designed to provide boys, aged 10-14, with information concerning the various changes in body growth and function which occur as a boy progresses toward manhood.

CONTRACEPTION: A PROGRAMMED INSTRUCTION MINI-UNIT
Planned Parenthood of Central Pennsylvania Inc
Oct 1977 teacher edition $5 student edition $5 bulk available
curriculum
Included in this package are both a student and a teacher edition of a self-instructional programmed unit on methods of contraception. Aimed at teenagers, the package is designed to teach the student to identify physician-prescribed methods of contraception; to identify non-prescription methods; to identify unreliable methods; and to understand the advantages and disadvantages of the different methods. Several pamphlets that provide discussion and information about related topics are included. The teacher's edition contains values clarification strategies and exercises, a reference list, and an answer key.

Craig C
DECISIONS...ABOUT SEX
Planned Parenthood of Westchester Inc
1975 10pp $.25ea bulk available
booklet
Information is presented to help teenagers consider the emotional and psychological aspects of sexual relationships so that they can make conscious decisions about sex in their own lives.

DO YOU CARE ENOUGH
Planned Parenthood of Minnesota Inc
1973 7pp $.05ea bulk available
pamphlet
Aimed at teenagers, this pamphlet encourages sexual responsibility and provides birth control information.

Guttmacher AF
DOCTOR TALKS ABOUT BIRTH CONTROL
Planned Parenthood Federation of America Inc
1973 6pp $.25ea
pamphlet
Attempts to limit fertility historically are reviewed. The role of contraception in achieving higher education, financial independence, and stable marriage is stressed.

US National Student Association Foundation
DOES YOUR CAMPUS OFFER BIRTH CONTROL?
Planned Parenthood Federation of America Inc Youth and Student Affairs
1976 6pp
pamphlet
This pamphlet summarizes ideal university health services and then offers suggestions to students who want to implement birth control information and services at their universities. Lists of universities with successful programs and of helpful organizations and resources are also provided.

DON'T FOOL YOURSELF
Fredericksburg Health Department
2pp
pamphlet
This pamphlet emphasizes the availability of family planning services and encourages use of reliable contraceptive methods by reminding the reader of the realities of sexual relationships, unwanted pregnancy, and VD.

Tepper SS
ESTA ERES TU
Rocky Mountain Planned Parenthood Publications
1977 12pp $.50ea plus postage and handling bulk available
booklet
This frank, lighthearted booklet explains female anatomy, the pelvic examination, and feminine hygiene to the young girl. A glossary is also included.

Gordon S
FACTS ABOUT SEX FOR TODAY'S YOUTH
John Day Company
1973 48pp $1.90ea
book
Male and female sexual anatomy, reproduction, love, and sexuality are discussed. The author also answers the questions commonly asked by teenagers, offers practical advice and frank explanations, and defines slang terms.

Phillips M
FOOD FOR THE TEENAGER DURING PREGNANCY
HEW Bureau of Community Health Services Program Services Branch
1976 24pp no charge
booklet
This illustrated booklet features a chart telling how foods work for a pregnant teenager and her baby, a guide explaining nutrients and calories, sample meal plans, and advice on special concerns.

Lyman M
GROWING UP: SPECIALLY FOR PRE-TEENS AND YOUNG TEENS
Planned Parenthood Center of Syracuse Inc
1973 14pp $.30ea bulk available
booklet
Designed to provide younger adolescents with information about their sexual development, this pamphlet discusses the male and female reproductive systems, menstruation, wet dreams, masturbation, and pregnancy.

FOR THE GENERAL PUBLIC
r Adolescents

. SJ
ESS IS...NO UNWANTED CHILDREN: A LEARNING ACTIVITY
.CKAGE
.d Parenthood of Central South Carolina
1977 sample copy $2.50
curriculum
This multi-media package for classroom use, grades 8-10, is designed to teach students about birth control on an individual basis through a two-week curriculum. Sample materials include teacher's manual, student workbook, flashcards, and contraceptive games.

HEW Bureau of Community Health Services
HASSLES OF BECOMING A TEENAGE PARENT
National Clearinghouse for Family Planning Information
1975 9pp no charge HSA 75-16013
pamphlet
Addressed to teenagers, this pamphlet discusses physical problems adolescent mothers may expect, the importance of birth control, and information on fertility, pregnancy, contraceptive methods, and venereal diseases.

HE DOESN'T NEED A PRESCRIPTION TO GET BIRTH CONTROL THAT WORKS. NEITHER DOES SHE. NEITHER DO YOU.
Planned Parenthood of New York City Inc
1976 12pp single copy no charge bulk available
pamphlet
The proper use of condoms and contraceptive foam, with suggestions for their purchase, is outlined.

HOW-TO HANDBOOK ON ORGANIZING A STUDENT SEX INFORMATION PROJECT
Student Coalition for Relevant Sex Education
1974 16pp
manual
Realistic advice is offered by high school students to help other students organize projects in their schools to provide information on human sexuality.

INSIDE STORY
Planned Parenthood Association Chicago Area
1974 36pp $.60ea bulk available
booklet
Such topics as sexual anatomy, menstruation, conception, pregnancy, rape, VD, and vaginal infections are discussed in this straightforward, comprehensive booklet directed toward teenagers. Contraceptive methods are identified and clearly described.

IT'S UP TO YOU
Planned Parenthood Los Angeles
1976 6pp $.15ea bulk available
pamphlet
Questions for the adolescent about sexuality with respect to his or her relationships, parents, friends, and self are posed, with emphasis on responsible decision making.

Mills S
JOY OF BIRTH CONTROL
Emory University Family Planning Program
1975 41pp $1ea
booklet
Especially for students, this comprehensive, informative publication uses directness and humor to discuss reproductive anatomy and cycles, sexuality, the choice and use of contraceptive methods, VD, abortion, and other important related topics. Cartoons and photographs illustrate the text.

Kelly GF
LEARNING ABOUT SEX: THE CONTEMPORARY GUIDE FOR YOUNG ADULTS
Barron's Educational Series Inc
1977 188pp $2.95ea
book
Although written primarily for teenagers, this book can be useful to parents, teachers, or other individuals interested in learning about human sexuality. Topics discussed include reproductive anatomy, puberty, sexual feelings, loving, marriage, and parenting. Questions of values, attitudes, and feelings are included in each chapter. A question-and-answer section deals with "common teen problems." Each chapter is followed by a short bibliography, and the two appendices include a glossary of both slang and "correct" terms and a list of organizations providing further information.

Johnson EW
LOVE AND SEX IN PLAIN LANGUAGE
Bantam Books
1974 111pp $.95ea
book
Information on sexual behavior is provided for teenagers in a simple style. The sex organs and how they work, intercourse, marriage, pregnancy, masturbation, VD, and contraception are among the subjects discussed.

MYTHS—WHAT YOU DON'T KNOW CAN HURT YOU
Planned Parenthood Los Angeles
1976 8pp $.15ea bulk available
pamphlet
Common myths about sex and birth control are explored and corrected in this direct and candid pamphlet directed toward teenagers.

Yoho D
M.A.S.H. (MOSTLY ABOUT SEX AND OTHER HASSLES)
Planned Parenthood of Central South Carolina
1975 4pp $.15ea bulk available
magazine
This publication is aimed at 10- to 13-year olds but is also useful with less sophisticated older teens. It includes factual information about male and female body changes and reinforces the role of parents and the need for family communication. The format is varied with quizzes, glossary, Dear Gabby letters.

Gordon S
Wollin MM
PARENTING: A GUIDE FOR YOUNG PEOPLE
Oxford Book Company Inc
1975 184pp $3ea
book
Developed as a text around which to build a program of education for parenthood, this book introduces young people to many of the facts, issues, and problems with which parents of today must contend. The book includes chapters on marriage, human reproduction, pregnancy, and delivery. Most of the book, however, is devoted to the rearing of the child and contains discussion and information on child growth and development, emphasizing the responsibility of parents to plan their children and to provide proper nurturing and an atmosphere for healthy growth.

PERILS OF PUBERTY
Rocky Mountain Planned Parenthood Publications
1974 16pp $.60ea plus postage and handling bulk available
booklet
This comprehensive, lighthearted guide describes the changes a girl may expect at puberty and offers advice on how to cope with these changes.

HEW Bureau of Community Health Services
PLANNING YOUR FUTURE INCLUDES FAMILY PLANNING
National Clearinghouse for Family Planning Information
1975 9pp no charge HSA 75-16014
pamphlet
This pamphlet presents basic information on family planning, including family planning motivation, pregnancy, contraceptive devices and practices, and infertility.

Cohen J
PREGNANCY PACKET
Family Planning Center of Cayuga County
1974 10pp
kit
This kit contains eight pull-out sheets which give information on various aspects of teenage pregnancy, such as relationships, symptoms, options, feelings, problems, and prenatal care.

PROBLEM PREGNANCY ALTERNATIVES: YOUR RIGHT TO CHOOSE
Planned Parenthood of Minnesota Inc
1975 8pp $.07ea bulk available
booklet
Addressed to pregnant single women, this pamphlet discusses the available alternatives—marriage, single parenthood, adoption, and abortion.

Tepper SS
Barnard G
PROBLEM WITH PUBERTY
Rocky Mountain Planned Parenthood Publications
1976 20pp $.60ea plus postage and handling bulk available
booklet
This guide to adolescence covers body changes, attitutes, and relationships. Problems and issues that are part of puberty are discussed in an upbeat, understanding tone for pre-adolescent and adolescent boys.

Gordon S
Conant R
PROTECT YOURSELF FROM BECOMING AN UNWANTED PARENT
Ed U Press
1975 18pp $.30ea
comic book
In comic book format, questions related to the issue of unwanted pregnancy are discussed. Basic information about sex and pregnancy is presented and popular myths dispelled. Common sense reasons for preventing pregnancy are combined with descriptions of various contraceptive methods in a style designed to communicate frankly with adolescents.

Sussman AN
RIGHTS OF YOUNG PEOPLE
Avon Books
1977 251pp $1.75ea
American Civil Liberties Union
manual
This convenient handbook is designed as a guide to help minors better understand and apply their legal rights. It aims to serve the people directly affected under existing laws, and therefore uses the question and answer format on a wide range of detailed legal issues. Essentially, young people are encouraged to seek legal assistance if they encounter a specific abuse of their rights. Listings of helpful legal organizations and state age laws on pertinent issues are provided.

SEX ALPHABET
Planned Parenthood Federation of America Inc
1973 48pp $.50ea bulk available
dictionary
The ABC's of reproduction and birth control for teenagers and parents are provided in this basic dictionary of terms relating to sex, reproduction, and birth control. Comprehensive definitions are included, as is a glossary of colloquial or slang equivalents.

Lieberman EJ
Peck E
SEX AND BIRTH CONTROL
Schocken Books
1975 299pp $2.45ea
book
This candid manual for young adults provides comprehensive, frank, and nonmoralizing information and advice on sex and sexual relationships. Contraceptive methods are discussed in detail.

SHE WILL ALWAYS REMEMBER YOU
Rocky Mountain Planned Parenthood Publications
1973 2pp $.25ea plus postage and handling bulk available
pamphlet
This brief pamphlet, directed toward the adolescent male, promotes honest, responsible sex relationships, with emphasis on using contraception.

SO YOU DON'T WANT TO BE A SEX OBJECT
Rocky Mountain Planned Parenthood Publications
1973 20pp $.60ea plus postage and handling bulk available
booklet
Directed at young women, this booklet presents seven "rules" to follow to avoid being treated as a sex object. A brief discussion of contraceptive methods is also presented.

STOP KIDDING YOURSELF
Rocky Mountain Planned Parenthood Publications
1973 2pp $.25ea plus postage and handling bulk available
pamphlet
The need for medically supervised contraception and a responsible attitude toward sex is promoted in this pamphlet directed toward the adolescent female.

Lerrigo MO
Southard H
STORY ABOUT YOU
American Medical Association
1975 38pp $1ea bulk available
booklet
A basic sex education primer for the upper elementary grades, the booklet is primarily concerned with the biological aspects of human reproduction, but also briefly discusses the physiological and psychological changes to be expected at puberty.

Lyman M
TEEN QUESTIONS ABOUT SEX AND ANSWERS
Planned Parenthood Center of Syracuse Inc
1973 30pp $.30ea bulk available
booklet
This booklet discusses such topics as sexual anatomy, masturbation, VD, sexual intercourse, premarital sex, contraceptive methods, abortion, sterilization, pregnancy, homosexuality, prostitution, and the relationship between sex and love.

MATERIALS FOR THE GENERAL PUBLIC
Materials for Adolescents

TEEN-AGERS: MARRIAGE...BABIES
Planned Parenthood Federation of America Inc
1971 7pp $.25ea
pamphlet
This pamphlet is intended to introduce adolescents to the health, economic, emotional, and social problems associated with bearing and rearing children.

Gordon S
Conant R
TEN HEAVY FACTS ABOUT SEX
Ed U Press
1975 16pp $.30ea
comic book
Explicit information is presented in lighthearted comic book format on sexuality, VD, and birth control.

TEST YOUR SEX IQ
Planned Parenthood Los Angeles
1977 2-fold $.20ea bulk available
pamphlet
This pamphlet is designed as an exercise for teenagers to explore and clarify sources of their values related to sexuality and birth control.

Tepper SS
THIS IS YOU
Rocky Mountain Planned Parenthood Publications
1977 12pp $.50ea plus postage and handling bulk available
booklet
This frank, lighthearted booklet explains female anatomy, the pelvic examination, and feminine hygiene to the young girl. A glossary is also included.

Guttmacher AF
UNDERSTANDING SEX: A YOUNG PERSON'S GUIDE
Planned Parenthood Federation of America Inc
1970 140pp $.95ea
book
This book discusses such topics as reproduction, petting and intercourse, pregnancy and birth, contraception, and VD. Important personal advice is given to adolescents.

Carroll L
LaBelle D
Wooldridge V
Zarkowsky L
WHAT NOW: UNDER EIGHTEEN AND PREGNANT
Origins Inc
1976 37pp $2ea bulk available
booklet
This frank, uncomplicated booklet, written by young women for young women, discusses the realities of pregnancy and the decisions it involves. Based on interviews with several women between 12 and 18, the text is interspersed with their comments about experiences during pregnancy or abortion.

WHAT TEENS WANT TO KNOW BUT DON'T KNOW HOW TO ASK
Planned Parenthood Federation of America Inc
1976 13pp $.25ea bulk available
pamphlet
This pamphlet provides facts about sex, growing up, and relationships. More specifically, it discusses physical changes at puberty, contraceptive methods, VD, and sexuality.

WHAT'S HAPPENING
Emory University Family Planning Program
1977 32pp $.75ea bulk available
magazine
This illustrated, comprehensive publication uses a magazine format to focus on teenage sexuality and contraception. Included are articles on venereal disease, masturbation, reproductive physiology, dating, sex roles, and a range of other related topics.

YOU'VE CHANGED THE COMBINATION
Rocky Mountain Planned Parenthood Publications
1974 21pp $.60ea plus postage and handling bulk available
booklet
Open and honest attitudes about women and sexual relationships are advocated in this lighthearted booklet directed toward young men.

Baldwin WH
ADOLESCENT PREGNANCY AND CHILDBEARING—GROWING CONCERNS FOR AMERICANS
Population Reference Bureau Inc
1976 36pp $1ea bulk available
Population Bulletin 31:2
bulletin
This bulletin examines the negative impact of increasing incidence of adolescent pregnancy, documents barriers to effective practice of contraception by teenagers, considers racial differences, and relates the U.S. experience to that of other countries.

Landis Pn
COMING OF AGE: PROBLEMS OF TEENAGERS
Public Affairs Committee Inc
1976 28pp $.50ea bulk available
Public Affairs Pamphlet Number 234
pamphlet
This pamphlet is designed to provide young or pre-teens with advice, support, and suggestions about the problems of adolescence. Sections about understanding one's parents, getting along with siblings, dealing with inferiority feelings, and physical maturation are provided.

Alan Guttmacher Institute
ELEVEN MILLION TEENAGERS: WHAT CAN BE DONE ABOUT THE EPIDEMIC OF ADOLESCENT PREGNANCIES IN THE UNITED STATES
Planned Parenthood Federation of America Inc
1976 64pp $2.50ea bulk available
booklet
This publication directly addresses the issue of what adolescent pregnancies are costing in health, economic, social, and human terms. Programs designed to prevent and to cope with teenage pregnancy are described. Forty-nine color charts and 26 photos are included.

FACT SHEET ON SCHOOL-AGE PARENTHOOD
National Alliance Concerned with School-Age Parents
1977 3pp
fact sheet
This fact sheet includes statistics and a bibliography on school-age parents.

Planned Parenthood Federation of America Inc Youth and Student Affairs
GUIDE TO SEXUALITY HANDBOOKS
Planned Parenthood Federation of America Inc Youth and Student Affairs
13pp $.25ea
bibliography
This is an annotated listing of nearly 100 sex-related pamphlets written by or for young people. It is divided into 4 areas: (1) teenage sexuality/birth control handbooks, (2) materials for non-young people, (3) "how to organize" guides, and (4) hotlines, youth agencies, and resource materials.

Schwartz JV
HEALTH CARE FOR THE ADOLESCENT
Public Affairs Committee Inc
1977 28pp $.10ea bulk available
Public Affairs Pamphlet Number 463
pamphlet
Many adolescents, considered "too old" for their pediatricians but "too young" to seek their own doctors, do not receive adequate care. The author outlines the health needs and problems of the adolescent and describes how parents, doctors, and special services can help.

Reeder R
Yoho D
HUMAN SEXUALITY AND INCARCERATED YOUTH
Planned Parenthood of Central South Carolina
25pp $2.50ea
curriculum
This is a report and detailed curriculum of a six-session course in human sexuality conducted by Planned Parenthood of Central South Carolina with twenty youthful offenders living in a South Carolina juvenile correctional facility.

France L
Goldsmith G
Lane M
Crist T
I CAN'T BE PREGNANT...THREE M.D.'S TALK ABOUT HELPING TEENS
Planned Parenthood Federation of America Inc Youth and Student Affairs
1977 4pp $.20ea
pamphlet
Three gynecologists who specialize in teenage health care discuss their personal approaches and concerns in working with teenage patients.

POSITIVE POLICY HANDBOOK
Planned Parenthood Federation of America Inc Youth and Student Affairs
1975 14pp $.50ea
booklet
This is a collection of organization statements affirming the rights of youth to quality, confidential, and comprehensive sex-related education and medical services.

Paul EW
Pilpel HF
Wechsler NF
PREGNANCY, TEENAGERS AND THE LAW, 1976
Planned Parenthood Federation of America Inc
1976 6pp $.25ea bulk available
Family Planning Perspectives 8:1
pamphlet
reprint/journal article
A marked expansion of the rights of teenagers to consent for their own medical and surgical treatment—especially contraception, abortion, VD treatment, and all pregnancy-related health services—is reviewed in an analysis of recent affirmative statutes, court decisions, and general opinions by the attorney-authors. A table giving state-by-state analysis of legislation is included.

Ogg E
PREPARING TOMORROW'S PARENTS
Public Affairs Committee Inc
1977 28pp $.50ea bulk available
Public Affairs Pamphlet Number 520
pamphlet
This pamphlet raises the issue of and argues the case for providing young people with formalized education for parenthood. Citing the increase in school-age parents and examples of sloppy to abusive parenting, the pamphlet argues that most people who become parents have no idea of child development and have given no thought to the duties of parenthood. Also described are examples of "education for parenthood" and other programs that have been carried out for teens.

public policy in favor of its radical posture. In its Five Year Plan: 1976-1980, PPFA states that "Our mission is to serve as the nation's foremost agent of social change in the area of reproductive health and well-being." Its various activities, PPFA says, are "complementary parts of a single national strategy" to be a "'catalyst' or change agent." Medical services -- which would include Title X clinics -- are specifically included in the "change agent" role. The manipulative nature of PP's activities is reinforced by its definition of public education: "the dissemination of specific information designed for target audiences with the objective of modifying attitudes, behavior change and/or skills."

In short, PP is enriched in money and prestige by generous infusions of taxpayers' money, and it deliberately uses the power it derives from federal largess to openly pursue a strategy of serving as "the nation's foremost agent of social change in the area of reproductive health and well being." The success of PP's leadership in the liberalization of abortion and sexuality policy depends on its revenues from the federal government. Title X is thus implicated in PP's lobbying for radical causes.

Planned Parenthood does not disguise either its advocacy of abortion or its leadership in the abortion lobby. In the Bylaws to PPFA, to which all affiliates must subscribe, the first purpose of the Federation listed is "to provide leadership -- in making effective means of voluntary fertility control, including contraception, abortion and sterilization, available and fully accessible to all." "All," of course, would include its clients in Title X clinics.

In its Five Year Plan: 1976-1980, PPFA calls for "social change" including "reaffirming and protecting the legitimacy of induced abortion as a necessary backup to contraceptive failure ... abolishing the arbitrary and outmoded restrictions -- legal, regulatory and cultural -- which continue to limit the individual's freedom of choice in fertility matters."

Parents whose children attend a Title X clinic run or influenced by PP have reason to fear that their family values may be viewed and treated as "outmoded" cultural idiosyncracies.

Denton committee: Preliminary transcript of hearing pp. 97-98, Mar. 31, 1981

Planned Parenthood believes Title X funds can be used by PP to counsel, refer, promote and encourage abortion, and claims the backing of DHHS for this view. In the March 31, 1981, Senate hearing, Senator Nickles cited an article written by Jeannie Rosoff, Vice President of PPFA and of PP's Alan Guttmacher Institute (AGI), in which the PP officer said that "There is no basis for believing that the prohibition of Title X funds for abortion as a method of family planning was intended to prohibit the use of such funds for abortion counseling and referral or even promotion and encouragement of abortion." Sen. Nickles asked Ms. Wattleton (President of PPFA) if the statement reflected the views of her organization. Ms. Wattleton replied, "Not only does it reflect the views but it also reflects the policy statement that comes from HHS from the immediate past Secretary in that we have an obligation as medical providers, an absolute ethical obligation from a physician's point of view, to refer for those services that are requested by our patients." According to Ms. Wattleton, the bureaucracy of DHHS is thus involved in approving the counseling, referral, promotion and encouragement of abortion.

Federal funds are involved (directly or indirectly) in enabling PP to produce and distribute materials to its clients that are obscene and offensive to normal sensibilities. A few years ago, PPFA's Youth and Student Affairs Program recommended a 32-page comic book entitled, Abortion Eve. The comic book's back page depicts the Virgin Mary pregnant, with the face of Alfred E. Neuman, above the caption, "What me worry?" "Getting It Together," published by PPFA, calls Abortion Eve "an excellent resource for women considering an abortion, and it is

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Responses to Senator Denton's Questions

D-1. Attached hereto as Attachment D-1 is a list of the Planned Parenthood Affiliates which provide abortion services. Detailed information as to patient characteristics, gestational status, medical procedures, and modes of payment for services rendered can be obtained directly from those affiliates.

D-2. All Planned Parenthood affiliates are tax-exempt under Section 501(c)(3) of the Internal Revenue Code. As of January, 1981, 165 affiliates participated in Title X family planning programs.

D-3. The Planned Parenthood National Medical Standards and Guidelines do not require parental consent or notification prior to abortion. A 1980 Alan Guttmacher Institute study estimated that 55% of abortion patients in family planning and abortion clinics under 18, and 75% of such patients under 15, said their parents knew of their decisions. Planned Parenthood believes that parental involvement is appropriate and desirable, and our affiliates recommend consulting parents to their patients. There are, however, some teenagers who will not consult with their parents; and some parents are unable to cope with the situation created by their daughter's unwanted pregnancy. Such parents might either suffer emotional or physical harm themselves or inflict such harm upon their pregnant daughter. We belive that in such cases a mature minor has the right to decide, with the advice of her physician, whether an abortion is in her best interest.

D-4. As the national headquarters of the Planned Parenthood Federation of America, we do not serve patients and have no clinics. Many Planned Parenthood affiliates provide their patients with public affairs information and urge them to bring their concerns to their elected legislators. Mindful of our 501(c)(3) tax status and that of our affiliates, neither the Federation nor any of its affiliates participates in electoral politics of any kind nor do we endorse candidates for elective office.

D-5. (a) The Director of PPFA's Washington office is William W. Hamilton, Jr., 1220 19th Street, N.W., Washington, D.C. 20036, (202) 785-3351. He engages in public education and lobbying at the federal level. Many Planned Parenthood affiliates engage in similar activities at the state level, primarily through a volunteer network, often coordinated by a state office. Specific information on their activities may be obtained directly from them.

(b) The national office's funds for lobbying are obtained from private contributions, as are those of affiliates.

(c) The dollar amounts expended by the national office for lobbying in the last three years are as follows:

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Attachment B-1.

FIRST TRIMESTER ABORTION PROVIDERS

PLANNED PARENTHOOD AFFILIATES

NORTH ATLANTIC REGION

PP League of Connecticut
(Norwich, New Haven & Stamford)
*PP Association of Maryland
(Baltimore & Annapolis)
PP of Monmouth County
(Shrewsbury, N.J.)
PP of New York City
(3 clinic sites)
*PP of Schenectady
**PP Center of Syracuse
PP Center of Pittsburgh
PP Association of Southeastern
Pennsylvania (Philadelphia)
*PP of Rhode Island (Providence)
PP of Vermont (Rutland)

GREAT LAKES REGION

*PP Association of Northwest Indiana, Inc.
(Merrillville)
*Reproductive Health Care Center of
South Central Michigan (PP Kalamazoo)
*Washtenaw County PP (Ann Arbor)
*PP of Minnesota (St. Paul)
PP Central Ohio (Columbus)
*PP Association of Cincinnati

WESTERN REGION

PP Association of Phoenix
PP Alameda-San Francisco
*PP of Humboldt County (Eureka, CA.)
PP/WP Los Angeles (5 clinic sites)
*PP Marin County
*PP Association of Sacramento
*PP Association of San Mateo County
PP of Santa Barbara
PP of Santa Clara
*Rocky Mountain PP (Denver)
PP of Billings (Montana)
PP of Contra Costa County (Walnut Creek).

SOUTHEAST REGION

**PP Birmingham Area (Alabama)
*PP of East Central Georgia (Augusta)
*PP of Greater Charlotte (North Carolina)
*PP of Central South Carolina (Columbia)
Memphis PP Association
PP Association of Nashville

SOUTH CENTRAL REGION

PP of Iowa (Des Moines)
*PP of Central Missouri (Columbia)
PP of Western Missouri/Kansas
(Kansas City)
PP of Houston (Texas)

82-489 4C4

~~June~~ 1, 1981

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97TH CONGRESS
1ST SESSION

S. 1378

To strengthen the American family and to promote the virtues of family life through education, tax assistance, and related measures.

IN THE SENATE OF THE UNITED STATES

JUNE 17 (legislative day, JUNE 1), 1981

Mr. JEPSEN (for himself and Mr. LAXALT) introduced the following bill; which was read twice and referred to the Committee on Finance

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A BILL

To strengthen the American family and to promote the virtues of family life through education, tax assistance, and related measures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Family Protection Act".

SEC. 2. (a) The purpose of this Act is to preserve the integrity of the American family, to foster and protect the viability of American family life by emphasizing family responsibilities in education, tax assistance, religion, and other areas related to the family, and to promote the virtues of the family.

(b) In accordance with the purposes of this Act, the Congress finds that—

(1) a stable and healthy family is the foundation of a society and its culture;

(2) the family in America is the lifeline of America's continued existence and the cornerstone of America's growth and future development;

(3) certain Government policies have directly or benignly undermined and diminished the viability of the American family; and

(4) the policy of the Government of the United States should, on and after the date of the enactment of this Act, be directed and limited to the strengthening of the American family and to changing or eliminating any Federal governmental policy which diminishes the strength and prosperity of the American family.

TITLE I—FAMILY PRESERVATION

RIGHTS OF PARENTS

SEC. 101. (a) Chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following:

"§ 1657. Rights of parents

"In any action brought under the provisions of this title involving the parental role in supervising and determining the religious or moral formation of a child, there is a legal presumption in favor of an expansive interpretation of that role.".

(b) The table of sections for chapter 111 of title 28, United States Code, is amended by adding at the end thereof the following:

"1657. Rights of families.".

PARENTAL NOTIFICATION

SEC. 102. (a) No program, project, or entity shall receive Federal funds, either directly or indirectly, under any provision of law unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling) to an unmarried minor, notifies the parents or guardians of such minor that such contraceptives or abortion services are being provided.

(b) Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL NOTIFICATION

"SEC. 440A. No program, project, or entity shall receive funds, either directly or indirectly, from the Federal Government under any applicable program unless such program, project, or entity, prior to providing any contraceptive device or abortion service (including abortion counseling), to an unmarried minor, shall notify the parents or guardians of such minor that such contraceptives or abortion services are being provided.".

JUVENILE DELINQUENCY

SEC. 103. The Juvenile Justice and Delinquency Prevention Act of 1974 is amended by inserting after section 103 the following new section:

"SEC. 104. (a) No Federal program, guideline, agency, directive, commission, or grant shall be construed to abrogate, alter, broaden, or supersede existing State statutes on juvenile delinquency.

"(b) Nothing in this section shall permit a State to fail to participate or cooperate in any program for the return of runaway youths, whether by interstate compact or otherwise.".

CHILD ABUSE

SEC. 104. (a) No Federal program, guideline, agency action, commission action, directive, or grant shall be construed to abrogate, alter, broaden, or supersede existing State statutory law relating to child abuse.

(b) No Federal funds shall be expended for the operations of any child abuse program in any State unless such program has been specifically authorized and established by the State legislature of the State in which such program operates.

(c) Section 3 of the Child Abuse Prevention and Treatment Act is amended to read as follows:

"DEFINITION

"SEC. 3. For purposes of this Act, the term 'child abuse and neglect' means the physical or mental injury, sexual abuse or exploitation, negligent treatment, or maltreatment of a child under the age of eighteen, or the age specified by the child protection law of the State in question, by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened, but such term does not include discipline or corporal punishment methods applied by a parent or individual explicitly authorized by a parent to perform such function.".

SPOUSE ABUSE

SEC. 105. No Federal law, program, guideline, agency action, commission action, directive, or grant shall be construed to abrogate, alter, broaden, or supersede existing State statutory law relating to spousal abuse or domestic relations.

LEGAL ASSISTANCE RESTRICTIONS

SEC. 106. (a)(1) So much of section 1007(b) of the Legal Services Corporation Act as precedes paragraph (1) thereof is amended to read as follows:

"(b) No entity receiving funds made available by the Corporation under this title, either by grant or contract, shall—".

(2) Section 1007(b) of such Act is amended by striking out "to" the first place it appears in paragraphs (1), (2), (3), (5), (6), (7), (9) and (10).

(3) Paragraph (4) of section 1007(b) of such Act is amended by striking out "for any of the" and inserting in lieu thereof "engage in any of the".

(b) Section 1007(b)(8) of such Act is amended to read as follows:

"(8) provide legal assistance with respect to any proceeding or litigation which seeks to procure an abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, or to compel State or Federal Government funding for an abortion;".

(c) Section 1007(b) of such Act is amended by—

(1) striking out "or" at the end of paragraph (9),

(2) striking out the period at the end of such section and inserting in lieu thereof a semicolon, and

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

"(11) provide legal assistance with respect to any proceeding or litigation seeking to obtain or arising out of a divorce; or

"(12) provide legal assistance with respect to any proceeding or litigation which seeks to adjudicate the issue of homosexual rights.".

ARMED FORCES DEPENDENTS' ASSISTANCE ALLOTMENTS

SEC. 107. (a) Chapter 13 of title 37, United States Code, relating to allotments and assignments of pay, is amended by adding at the end thereof the following new section:

"§ 708. Allotment for dependents of members of the armed forces

"(a)(1) Subject to the provision of subsections (b) and (c) of this section and under such regulations as the Secretary of Defense shall prescribe, the Secretary concerned shall pay to the dependents of any member of the armed forces, when such dependents are living separate from such member, a monthly dependents' assistance allotment in the amount specified in paragraph (2) of this subsection. The amount paid under this section in any month to the dependents of any member shall be deducted from the pay and allowances of the member.

"(2) The amount of the monthly dependents' assistance allotment to be paid under this section shall be an amount equal to the amount of the basic allowance for quarters to which such member is entitled. A member may increase the amount of the monthly dependents' assistance allotment to be paid to the dependents of such member by requesting the Secretary concerned in writing to increase the amount of the deduction from such member's pay and allowances. The amount of any increase in the monthly dependents' assistance allotment and the corresponding amount deducted from the pay and allowances of the member may be any amount which is a multiple of 10.

"(b) Determinations made by the Secretary concerned under this section regarding the payment and amount of any dependents' assistance allotment shall be final and conclusive for all purposes and shall not be subject to review in any court, except for cases involving fraud or gross negligence.

"(c) As used in this section, the term 'dependent', with respect to a member of the armed forces, means—

"(1) the member's spouse; and

"(2) the member's unmarried child (including any of the following categories of children if such child is in fact dependent on the member: a stepchild; an adopted child; or an illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member) who either—

"(A) is under 21 years of age; or

"(B) is incapable of self-support because of a mental or physical incapacity, and in fact dependent on a member for over one-half of his support.

For the purposes of this section, the relationship between a stepparent and stepchild is terminated by the stepparent's divorce from the parent by blood.".

(b) The table of sections at the beginning of chapter 13 of such title is amended by adding at the end thereof the following new item:

"708. Allotment for dependents of members of the armed forces.".

FEDERAL FUNDS FOR HOMOSEXUALITY ADVOCACY

SEC. 108. No Federal funds may be made available under any provision of Federal law to any public or private individual, group, foundation, commission, corporation, association, or other entity for the purpose of advocating, promoting, or suggesting homosexuality, male or female, as a life style.

TITLE II—TAXATION

EDUCATION SAVINGS ACCOUNTS

SEC. 201. (a) IN GENERAL.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as 222 and by inserting after section 220 the following new section:

"SEC. 221. EDUCATION SAVINGS ACCOUNT.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there is allowed as a deduction the sum of—

"(1) amounts paid in cash, and

"(2) the fair market value at time of transfer of stocks, bonds, or other securities, which are readily tradeable on an established securities market, transferred,

during the calendar year which ends with or within the taxable year by such individual to an education savings account established for the benefit of an eligible individual.

"(b) LIMITATIONS.—

"(1) ACCOUNT MAY NOT BE ESTABLISHED FOR BENEFIT OF MORE THAN 1 INDIVIDUAL.—An education savings account may not be established for the benefit of more than 1 individual.

"(2) INDIVIDUAL MAY NOT BE BENEFICIARY OF MORE THAN 1 ACCOUNT.—An individual who is the beneficiary of more than 1 education savings account during any calendar year shall not be treated as an eligible individual for that calendar year.

"(3) MAXIMUM DEDUCTION PER ACCOUNT.—The amount allowable as a deduction under subsection (a) to an individual for amounts paid or transferred to an account for any calendar year shall not exceed $2,500.

"(4) CONTRIBUTIONS BY MORE THAN 1 PERSON.—If more than 1 individual makes contributions to an education savings account during a calendar year, the $2,500 amount under paragraph (3) shall be allocated proportionately among all individuals contributing to the account during that year on the basis of the amounts contributed by each such individual.

"(5) ADJUSTMENT OF LIMIT FOR INFLATION.—

"(A) IN GENERAL.—Beginning in 1983, the dollar amounts in paragraph (3), paragraph (4), and subsection (c)(2)(A) shall each be adjusted by multiplying such amounts by the inflation adjustment factor for the 12-month period ending on July 31 of the preceding calendar year and, as adjusted, shall be substituted for such amounts for taxable years ending with or within the calendar year next beginning after such 12-month period.

"(B) COMPUTATION OF INFLATION ADJUSTMENT FACTOR.—

"(i) DETERMINATION AND PUBLICATION.—The Secretary shall, not later than October 1 of each calendar year (beginning in 1982), determine and publish in the Federal Register the inflation adjustment factor for the immediately preceding 12-month period ending on July 31 in accordance with this paragraph.

"(ii) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the average monthly Consumer Price Index (all items—United States city average) published by the Bureau of Labor Statistics of the Department of Labor for the most recent 12-month period ending on July 31 and the denominator of which is the average monthly Consumer Price Index (all items—United States city average) for the 12-month period ending on July 31, 1980.

"(c) DEFINITIONS AND SPECIAL RULES.—

"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means the taxpayer, a child of the taxpayer (within the meaning of section 151(e)(3)), or an individual who bears a relationship to the taxpayer described in paragraphs (1) through (8) of section 152(a), unless such taxpayer, child, or individual—

"(A) has attained the age of 21 before the close of the calendar year for which the contribution is made, or

"(B) is enrolled as a full-time student at an eligible educational institution for more than 4 weeks during that calendar year.

"(2) EDUCATION SAVINGS ACCOUNT.—For purposes of this section, the term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the educational expenses of an eligible individual, but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted unless it is in cash, stocks, bonds, or other securities which are readily tradeable on an established securities market, and contributions will not be accepted for the taxable year in excess of $2,500.

"(B) The trustee is a bank (as defined in section 401(d)(1)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section.

"(C) No part of the trust assets will be invested in life insurance contracts (other than contracts the beneficiary of which is the trust and the face amount of which does not exceed the excess of—

"(i) the amount by which the maximum amount which can be contributed to the account from the inception of the trust until the taxable year which includes the year in which the individual for whom the trust has been established attains age 25, over

"(ii) the sum of the amounts contributed to the account for all taxable years.

"(D) The assets of the account may be invested in accordance with the direction of the individual contributing to the account, but, if more than one individual has made contributions to the account, the consent of all such individuals shall be required for any such direction.

"(E) The assets of the trust will not be commingled with other property except in a common trust fund or common investment fund.

"(F) Any balance in the account on the day before the date on which the individual for whose benefit the trust is established attains age 26 will be distributed on that date to each of the individuals who have contributed to the trust in an amount which bears the same ratio to such balance as such individual's contributions bear to the sum of all such contributions.

"(3) TIME WHEN CONTRIBUTIONS DEEMED MADE.—For purposes of this section, a taxpayer shall be deemed to have made a contribution on the last day of a calendar year if the contribution is made on account of such calendar year and is made not later than the time prescribed by law for filing the return for the taxable year (including extensions thereof) with or within which the calendar year ends.

"(4) STOCK, ETC., TO BE VALUED AS OF TRANSFER DATE.—The fair market value of stocks, bonds, and other securities shall be determined as of the date on which they are transferred to the account. If the date of transfer falls on a Saturday, Sunday, or public legal holiday, then the fair market value shall be determined by reference to the last preceding day on which they could have been traded on an established securities market.

"(5) EDUCATIONAL EXPENSES.—The term 'educational expenses' means—

"(A) tuition and fees required for the enrollment or attendance of a student at an eligible educational institution,

"(B) fees, books, supplies, and equipment required for courses of instruction at an eligible educational institution,

"(C) a reasonable allowance for meals and lodging, and

"(D) the liability for tax under this chapter of any individual who does not elect the application of subsection (d)(3)(B) which is attributable to any amount required to be included in income under subsection (d)(3)(A).

"(6) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education,

"(B) a vocational school,

"(C) a secondary school, or

"(D) an elementary school.

"(7) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means the institutions described in section 1201(a) or 491(b) of the Higher Education Act of 1965.

"(8) VOCATIONAL SCHOOL.—The term 'vocational school' means an area vocational education school as defined in section 195(2) of the Vocational Education Act of 1963 which is in any State (as defined in section 195(8) of such Act).

"(9) ELEMENTARY AND SECONDARY SCHOOLS.—

"(A) ELEMENTARY SCHOOL.—The term 'elementary school' means a privately operated, not-for-profit, day or residential school which provides elementary education and which meets the requirements of subparagraph (D).

"(B) SECONDARY SCHOOL.—The term 'secondary school' means a privately operated, not-for-profit, day or residential school which provides secondary education that does not exceed grade 12, and which meets the requirements of subparagraph (D).

"(C) HANDICAPPED FACILITIES INCLUDED.—The terms 'elementary school' and 'secondary school' include facilities (whether or not privately operated) which offer education for individuals who are physically or mentally handicapped as a substitute for regular public elementary or secondary education.

"(D) REQUIREMENTS.—An elementary school or secondary school meets the requirements of this subparagraph if such school—

"(i) is exempt from taxation under section 501(a) as an organization described in section 501(c)(3), and

"(ii) does not exclude persons from admission to such school, or participation in such school, on account of race, color, or national or ethnic origin.

"(d) TAX TREATMENT OF DISTRIBUTIONS.—

"(1) IN GENERAL.—Except as otherwise provided in this subsection, any amount paid or distributed out of an education savings account shall be included in gross income by each individual who has contributed to the account, in an amount which bears the same ratio to such payment or distribution as the amount contributed by that individual for all taxable years bears to the amounts contributed by all individuals for all taxable years, for the taxable year in which the payment or distribution is received, unless such amount is used exclusively to pay the educational expenses incurred by the individual for whose benefit the account is established.

"(2) EXCESS CONTRIBUTIONS RETURNED BEFORE DUE DATE OF RETURN.—Paragraph (1) does not apply to the distribution of any contribution paid during a taxable year to an education savings account to the extent that such contribution exceeds the amount allowable as a deduction under subsection (a) if—

"(A) such distribution is received on or before the day prescribed by law (including extensions of time) for filing such individual's return for such taxable year,

"(B) no deduction is allowed under subsection (a) with respect to such excess contribution, and

"(C) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in subparagraph (C) shall be included in the gross income of the individual for the taxable year in which it is received.

"(3) INCLUSION IN INCOME OF QUALIFIED DISTRIBUTIONS.—

"(A) IN GENERAL.—Unless an individual elects the application of subparagraph (B) with respect to all amounts paid or distributed out of the account which were used exclusively to pay the educational expenses of such individual, all such amounts shall be included in the gross income of such individual in the taxable year in which such amounts were paid or distributed out of the account.

"(B) QUALIFIED DISTRIBUTIONS INCLUDED IN BENEFICIARY'S INCOME OVER 10-YEAR PERIOD.—If an individual for whose benefit an education savings account was established elects the application of this subparagraph, the gross income of such individual for the taxable year in which that individual attains age 25 and for each of the 9 succeeding taxable years shall be increased by 10 percent of the sum of the amounts paid or distributed out of the account which were used exclusively to pay the educational expenses incurred by that individual.

"(e) TAX TREATMENT OF ACCOUNTS.—

"(1) EXEMPTION FROM TAX.—An education savings account is exempt from taxation under this subtitle unless such account has ceased to be an education savings account by reason of paragraph (2) or (3). Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) LOSS OF EXEMPTION OF ACCOUNT WHERE INDIVIDUAL ENGAGES IN PROHIBITED TRANSACTION.—

"(A) IN GENERAL.—If, during any taxable year of an individual who contributes to an education savings account, that individual engages in any transaction prohibited by section 4975 with respect to the account, the account ceases to be an education savings account as of the first day of that taxable year.

"(B) ACCOUNT TREATED AS DISTRIBUTING ALL ITS ASSETS.—In any case in which any account ceases to be an education savings account by reason of subparagraph (A) on the first day of any taxable year, paragraph (1) of subsection (d) applies as if there were a distribution on such first day in an amount equal to the fair market value (on such first day) of all assets in the account (on such first day).

"(3) EFFECT OF PLEDGING ACCOUNT AS SECURITY.—If, during any taxable year, the individual for whose benefit an education savings account is established uses the account or any portion thereof as security for a loan, the portion so used is treated as distributed to that individual.

"(f) ADDITIONAL TAX ON CERTAIN AMOUNTS INCLUDED IN GROSS INCOME.—

"(1) DISTRIBUTION NOT USED FOR EDUCATIONAL EXPENSES.—If a distribution from an education savings account is made, and not used in connection with the payment of educational expenses of the individual for whose benefit the account was established, the tax liability of each of the individuals who has contributed to the account for the taxable year in which such distribution is received shall be increased by an amount equal to 10 percent of the amount of the distribution which is includable in his gross income for such taxable year.

"(2) DISQUALIFICATION CASES.—If an amount is includable in the gross income of an individual for a taxable year under subsection (e), his tax under this chapter for such taxable year shall be increased by an amount equal to 10 percent of such amount required to be included in his gross income.

"(3) DISABILITY CASES.—Paragraphs (1) and (2) do not apply if the payment or distribution is made after the taxpayer becomes disabled within the meaning of section 72(m)(7).

"(g) COMMUNITY PROPERTY LAWS.—This section shall be applied without regard to any community property laws.

"(h) CUSTODIAL ACCOUNTS.—For purposes of this section, a custodial account shall be treated as a trust if the assets of such account are held by a bank (as defined in section 401(d)(1)) or another person who demonstrates, to the satisfaction of the Secretary, that the manner in which he will administer the account will be consistent with the requirements of this section, and if the custodial account would, except for the fact that it is not a trust, constitute an education savings account described in subsection (c). For purposes of this title, in the case of a custodial account treated as a trust by reason of the preceding sentence, the custodian of such account shall be treated as the trustee thereof.

"(i) REPORTS.—The trustee of an education savings account shall make such reports regarding such account to the Secretary and to the individual for whose benefit the account is maintained with respect to contributions, distributions, and such other matters as the Secretary may require under regulations. The reports required by this subsection shall be filed at such time and in such manner and furnished to such individuals at such time and in such manner as may be required by those regulations.".

(b) DEDUCTION ALLOWED IN ARRIVING AT ADJUSTED GROSS INCOME.—Paragraph (10) of section 62 of such Code (relating to retirement savings) is amended—

(1) by inserting "OR EDUCATION" after "RETIREMENT" in the caption of such paragraph, and

(2) by inserting before the period at the end thereof of the following: "and the deduction allowed by section 221 (relating to deduction of certain payments to education savings accounts)".

(c) TAX ON EXCESS CONTRIBUTIONS.—Section 4973 of such Code (relating to tax on excess contributions to individual retirement accounts, certain section 403(b) contracts, certain individual retirement annuities, and certain retirement bonds) is amended—

(1) by inserting "EDUCATION SAVINGS ACCOUNTS," after "ACCOUNTS," in the caption of such section,

(2) by redesignating paragraphs (2) and (3) of subsection (a) as (3) and (4), and by inserting after paragraph (1) the following:

"(2) an education savings account (within the meaning of section 221(c)),", and

(3) by adding at the end thereof the following new subsection:

"(d) EXCESS CONTRIBUTIONS TO EDUCATION SAVINGS ACCOUNTS.—For purposes of this section, in the case of an education savings account, the term 'excess contributions' means the amount by which the amount contributed for the taxable year to the account exceeds the amount allowable as a deduction under section 221(b) for such taxable year. For purposes of this subsection, any contribution which is distributed out of the education savings account and a distribution to which section 221(d)(2) applies shall be treated as an amount not contributed.".

(d) CONTRIBUTION NOT TO BE TREATED AS A GIFT FOR GIFT TAX PURPOSES.—Section 2503 of such Code (relating to taxable gifts) is amended by adding at the end thereof the following new subsection:

"(e) EDUCATION SAVINGS ACCOUNTS.—For purposes of subsection (b), any payment made by an individual for the benefit of his child to an education savings account described in section 221(c), shall not be considered a gift of a future interest in property to the extent that such payment is allowed as a deduction under section 221.".

(e) TAX ON PROHIBITED TRANSACTIONS.—Section 4975 of such Code (relating to prohibited transactions) is amended—

(1) by adding at the end of subsection (c) the following new paragraph:

"(4) SPECIAL RULE FOR EDUCATION SAVINGS ACCOUNTS.—An individual for whose benefit an education savings account is established shall be exempt from the tax imposed by this section with respect to any transaction concerning such account (which would otherwise be taxable under this section) if, with respect to such transaction, the account ceases to be an education savings account by reason of the application of section 221(e)(2)(A) to such account.", and

(2) by inserting "or an education savings account described in section 221(c)" in subsection (c)(1) after "described in section 408(a)".

(f) FAILURE TO PROVIDE REPORTS ON EDUCATION SAVINGS ACCOUNTS.—Section 6693 of such Code (relating to failure to provide reports on individual retirement account or annuities) is amended—

(1) by inserting "OR EDUCATION SAVINGS ACCOUNTS" after "ANNUITIES" in the caption of such section, and

(2) by adding at the end of subsection (a) the following: "The person required by section 221(i) to file a report regarding an education account at the time and in the manner required by such section shall pay a penalty of $10 for each failure unless it is shown that such failure is due to reasonable cause.".

(g)(1) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"Sec. 221. Education savings accounts.
"Sec. 222. Cross references.".

(2) The table of sections for chapter 43 of such Code is amended by striking out the item relating to section 4973 and inserting in lieu thereof the following:

"Sec. 4973. Tax on excess contributions to individual retirement accounts, education savings accounts, certain 403(b) contracts, certain individual retirement annuities, and certain retirement bonds.".

(3) The table of sections for subchapter B of chapter 68 of such Code is amended by striking out the item relating to section 6693 and inserting in lieu thereof the following:

"Sec. 6693. Failure to provide reports on individual retirement accounts or annuities or on education savings accounts.".

(h)(1) Part III of subchapter B of chapter 1 of such Code (relating to items specifically excluded from gross income) is amended by redesignating section 128 and 129 and by inserting after section 127 the following new section:

"SEC. 128. EDUCATION SAVINGS ACCOUNT DISTRIBUTIONS.

"In the case of an individual, and except as is provided in section 221(d)(1), gross income does not include distributions from an education savings account used exclusively for the payment of educational expenses of that individual (within the meaning of section 221(c)(5)).".

(2) The table of sections for such part III is amended by inserting after the item relating to section 127 the following new items:

"Sec. 128. Education savings account distributions.
"Sec. 129. Cross references to other Acts.".

(i) Subsection (b) of section 152 of such Code (relating to definition of dependent) is amended by adding at the end thereof the following new paragraph:

"(6) A payment to an individual for whose benefit an education savings account (as defined in section 221(c)) is established from that account which is excluded from the gross income of that individual under section 128 shall not be taken into account in determining support for purposes of this section.".

(j) The amendments made by this section shall take effect with respect to taxable years beginning after December 31, 1981.

TAX-EXEMPT SCHOOLS

SEC. 202. (a) Section 501 of the Internal Revenue Code of 1954 is amended by redesignating subsection (j) as (k) and by inserting after subsection (i) the following new subsection:

"(j) SCHOOLS.—An organization shall be treated as an organization described in subsection (c)(3) organized and operated exclusively for educational purposes, if—

"(1) it is organized and operated exclusively for the purpose of providing preschool, grammar school, high school, or college education;

"(2) it is incorporated as a nonprofit corporation in any State of the United States, its territories or possessions, or in the District of Columbia;

"(3) the bylaws of the organization prohibit discrimination in the hiring of teachers or admission of students, on grounds of race, nationality, or ethnic background;

"(4) the academic course of instruction of the organization requires attendance for at least the same number of days as are required in the public schools in the State in which the organization is located; and

"(5) a judicial order entered under section 202(b) of the Family Protection Act is not in effect with respect to such organization.".

(b)(1) Whenever the Attorney General has reasonable grounds to believe that an educational institution described in section 501(j) of the Internal Revenue Code of 1954 has violated any provision of section 1977, 1978, or 1979 of the Revised Statutes or of the Civil Rights Act of 1964, he shall file a civil suit for declaratory judgment in a Federal district court for the district in which the educational institution is located. If the Attorney General establishes before such court, by a preponderance of the evidence, that the school has, for at least four consecutive years prior to the filing of the suit, engaged in a policy of deliberate and intentional discrimination, the court shall issue a judicial order barring a tax exemption for such institution.

(2) If the court finds that the Attorney General brought a suit under this subsection out of malice, bias against the religious or ethnic composition of an academic institution's supporters, or any other improper motive, the court may, at its discretion, assess damages against the Attorney General and against the Internal Revenue Service agents and officers responsible for bringing of the action.

(3) No judicial order issued under the provisions of this subsection shall take effect until the first taxable year of the academic institution which begins after the institution has exhausted all rights of judicial review.

(4) A district court which has entered a judicial order under the provisions of this subsection shall retain jurisdiction over the case, and shall revoke its order at such time as the academic institution demonstrates, by a preponderance of the evidence, that its discrimination policies have been discontinued and will not be renewed.

MULTIGENERATIONAL HOUSEHOLDS

SEC. 203. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits against tax) is amended by inserting before section 45 the following new section:

"SEC. 44F. ELDERLY DEPENDENTS.

"(a) GENERAL RULE.—In the case of an individual who maintains a household which includes as a member a dependent who, as of the close of such individual's taxable year, has attained the age of 65, there shall be allowed, as a credit against the tax imposed by this chapter for the taxable year, a credit of $250.

"(b) APPLICATION WITH OTHER CREDITS.—The credit allowed by subsection (a) shall not exceed the tax imposed by this chapter for the taxable year, reduced by the sum of the credits allowable under a section of this subpart having a lower number or letter designation than this section, other than the credits allowable by sections 31, 39, and 43.

"(c) SPECIAL RULES.—For purposes of this section, the special rules set forth in paragraphs (1), (2), (3), and (4) of section 44A(f) shall apply with respect to the credit allowed by subsection (a).".

(b) Part VII of subchapter B of chapter 1 of such Code (relating to additional itemized deductions for individuals) is amended by redesignating section 222 as 223 and by inserting after section 221 the following new section:

"SEC. 222. ELDERLY DEPENDENTS.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual who maintains a household which includes as a member a dependent who, as of the close of such individual's taxable year, has attained the age of 65, there shall be allowed a deduction of $1,000.

"(b) SPECIAL RULES.—Paragraphs (1), (2), (3), and (4) of section 44A(f) shall apply with respect to the deduction allowed by subsection (a).

"(c) ELECTION TO TAKE CREDIT IN LIEU OF DEDUCTION.—This section shall not apply in the case of a taxpayer who, for the taxable year, elects to take the credit against tax provided by section 44F (relating to elderly dependents). The election shall be made in such manner and at such time as the Secretary shall prescribe.".

(c)(1) The table of sections for subpart A of part IV of subchapter A of chapter 1 of such Code is amended by inserting immediately after the item relating to section 44C the following new item:

"Sec. 44F. Elderly dependents.".

(2) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and inserting in lieu thereof the following:

"Sec. 222. Elderly dependents.
"Sec. 223. Cross references.".

(3) Section 6096(b) of such Code (relating to designation of income tax payment to Presidential Election Campaign Fund) is amended by striking out "and 44E" and inserting in lieu thereof "section 44E, and section 44F".

(d) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

PARENTAL SUPPORT ACCOUNTS

SEC. 204. (a) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 223 as 224 and by inserting after section 222 the following new section:

"SEC. 223. CONTRIBUTIONS TO QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.

"(a) GENERAL RULE.—In the case of an individual there is allowed as a deduction the sum of the amounts paid or contributed by that individual for the taxable year to or under a trust described in section 645 established by that individual to provide care for a qualified beneficiary (within the meaning of section 645(c)(2)).

"(b) MAXIMUM DEDUCTION.—The amount allowable as a deduction under subsection (a) for any taxable year may not exceed $3,000 with respect to payments to or contributions under a trust established for a single beneficiary.".

(b) Subpart A of part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954 (relating to general rules for taxation of estates and trust) is amended by adding at the end thereof the following new section:

"SEC. 645. QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.

"(a) EXEMPTION FROM INCOME TAXES.—

"(1) EXEMPTION FOR TRUST.—Except as provided in paragraph (3), a qualified parental or handicapped relative trust shall be exempt from taxation under this subtitle.

"(2) EXEMPTION FOR BENEFICIARY.—Except in the case of a mandatory distribution provided for in subsection (b), any amount distributed during the taxable year by a qualified parental or handicapped relative care trust shall not be included in the gross income for the taxable year of the qualified beneficiary to or for whose benefit such amount is so distributed to the extent that such amount is received by any individual—

"(A) who is not the spouse of the grantor of such trust, or

"(B) whose relationship to such grantor is not described in paragraphs (1) through (8) of section 152(a), for the purpose of providing care for such beneficiary.

"(3) TRUST FUNDS TO BE TAXED ON DISTRIBUTIONS.—Except in the case of a mandatory distribution provided for in subsection (b), a qualified parental or handicapped relative care trust shall be treated as having taxable income for the taxable year in an amount equal to the sum of the amounts distributed by the trust during the taxable year, reduced by any portion of such distributions included in the gross income of a beneficiary for the taxable year under paragraph (2).

"(b) MANDATORY DISTRIBUTIONS.—

"(1) TO PARENT UPON ATTAINMENT OF AGE 64.—In the case of a trust established for the benefit of a parent of the grantor, the amount in the trust shall be distributed to the beneficiary not earlier than the close of the taxable year in which the beneficiary attains age 64.

"(2) DEATH OF BENEFICIARY.—If the qualified beneficiary of a qualified parental or handicapped relative care trust dies, the amount in the trust shall be distributed to—

"(A) in the case of a qualified beneficiary who is a parent of the grantor, the surviving spouse of the beneficiary, or, if there is no surviving spouse, the grandchildren of the beneficiary, or, if there are no grandchildren of the beneficiary, to the grantor, or

"(B) in the case of a trust established to provide care for a qualified beneficiary who is a handicapped relative, to the children of such beneficiary, or if there are not such children, to the grantor.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED PARENTAL OR HANDICAPPED RELATIVE CARE TRUST.—The term 'qualified parental or handicapped relative care trust' means any trust—

"(A) which is created and governed by a written instrument under which—

"(i) it is impossible, at any time before the termination of the trust, for any part of the corpus or income to be (within the taxable year or thereafter) used for, or diverted to, any purpose other than the providing of care for any qualified beneficiary of the trust, the payment of administrative expenses of the trust, or a mandatory distribution required under subsection (b), and

"(ii) the grantor of the trust has no reversionary interest in any portion of the trust (other than in the case of a mandatory distribution required under subsection (b)(2)) which may take effect in possession or enjoyment before the death of all qualified beneficiaries of the trust or before all beneficiaries of the trust cease to be qualified beneficiaries of such trust;

"(B) the trustee of which is a bank (as defined in section 401(d)(1)) or any person who demonstrates to the satisfaction of the Secretary that the manner in which such person will administer the trust will be consistent with the purpose of the trust; and

"(C) no beneficiary of which is a beneficiary of any other qualified parental or handicapped relative care trust.

"(2) QUALIFIED BENEFICIARY.—The term 'qualified beneficiary' means a parent of the grantor or any individual—

"(A) who bears a relationship to the grantor described in paragraphs (1) through (8) of section 152(a); and

"(B) who, under regulations prescribed by the Secretary, at the time such trust is established, is unable to engage in any substantial gainful activity because of a medically determinable mental or physical impairment which can be expected to be of long-continued and indefinite duration.".

(c) The table of sections for part VII of subchapter B of chapter 1 of such Code is amended by striking out the last item and by inserting in lieu thereof the following:

"Sec. 223. Contributions to qualified parental or handicapped relative care trust.
"Sec. 224. Cross references.".

(d) The table of sections for subpart A of part I of subchapter J of chapter 1 of such Code is amended by adding at the end thereof the following new item:

"Sec. 645. Qualified parental or handicapped relative care trust.".

(e) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

RETIREMENT SAVINGS FOR SPOUSES

SEC. 205. (a) Subsection (a) of section 219 of the Internal Revenue Code of 1954 (relating to deduction for retirement savings) is amended by inserting "or for the benefit of his spouse" immediately after "benefit".

(b) Paragraph (2) of section 219(c) of such Code (relating to married individuals) is amended to read as follows:

"(2) MARRIED INDIVIDUALS.—In the case of an individual who claims a deduction under subsection (a) for payments made for the benefit of his spouse—

"(A) The maximum deduction under subsection (b)(1) shall be computed separately for the individual and his spouse. For the purpose of making the computation for the spouse, the spouse shall be treated as having compensation includible in gross income for the taxable year equal to the compensation includible in such individual's gross income for the taxable year.

"(B) The deduction provided by subsection (a) shall be allowed for payments made for the benefit of such individual's spouse only if the individual and his spouse file a joint return of tax for the taxable year.

"(C) In the case of payments made for the benefit of a spouse who is handicapped within the meaning of section 190(b)(3), '$3,000' shall be substituted for '$1,500' in subsection (b)(1) and (b)(7).

"(D) No deduction shall be allowed under subsection (a) for payments for the benefit of a spouse for any taxable year for which—

"(i) the spouse has earned income includible in gross income, or

"(ii) a deduction would not be allowed if the spouse were the individual making the payment for the spouse's own benefit because of any limitation or restriction which would apply if the spouse were the individual making the payment.

"(E) This section shall be applied without regard to any community property laws. For purposes of this section, the determination of whether an individual is married shall be made in accordance with the provisions of section 143(a).".

(c) The amendments made by this section shall apply with respect to taxable years beginning after December 31, 1980.

CORPORATE DAY CARE—CHARITABLE CONTRIBUTIONS

SEC. 206. (a) Subsection (b) of section 162 of the Internal Revenue Code of 1954 (relating to charitable contributions and gifts excepted) is amended by adding at the end thereof the following new sentence: "The preceding sentence shall not apply with respect to amounts paid or contributed by the taxpayer to a day care center which meets the requirements of section 501(c)(23).".

(b) Subsection (c) of section 501 of such Code (relating to list of exempt organizations) is amended by adding at the end thereof the following new paragraph:

"(23) a corporation organized and operated in the United States exclusively for the purpose of providing day care for children, no part of the net earnings of which enures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation, which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office, and which—

"(A) has applied for (and such application has not been rejected),

"(B) has been granted (and such granting has not been revoked), or

"(C) is exempt from having,

a license, certification, registration, or approval as a day care center under the provisions of applicable State law.".

(c) In the case of a day care center described in section 501(c)(23) of the Internal Revenue Code of 1954—

(1) the Secretary of the Treasury may not promulgate any criterion of eligibility for exemption from tax under section 501(a) of such Code which is not described in paragraph (23) of section 501(c) of such Code,

(2) no certification or approval by the Internal Revenue Service shall be required as a condition for such tax exemption, and

(3) no agency or department of the United States Government may require compliance with any rule or regulation by such a center as a condition of such tax exemption.

EXEMPTIONS FOR CHILDBIRTH OR ADOPTION

SEC. 207. (a) Section 151 of the Internal Revenue Code of 1954 (relating to allowance of deductions for personal exemptions) is amended by adding at the end thereof the following new subsection:

"(f) ADDITIONAL EXEMPTION FOR CHILDBIRTH OR ADOPTION.—

"(1) IN GENERAL.—An exemption of $1,000 for each child born to, or adopted by, the taxpayer during the taxable year.

"(2) BIRTH AND ADOPTION OF CERTAIN CHILDREN.—In the case of—

"(A) a child who is born to the taxpayer and who is handicapped (within the meaning of section 190(b)(3)), or

"(B) the adoption of a child—

"(i) whose natural parents were not members of the same race, or "(ii) who has attained the age of 6 before the beginning of the taxable year for which the additional exemption allowed by paragraph (1) is claimed, or

"(iii) who is handicapped (within the meaning of section 190(b)(3)),

'$3,000' shall be substituted for '$1,000' in paragraph (1).

"(3) JOINT RETURN.—The additional exemption allowed by paragraph (1) for any taxable year shall not be allowed to an individual who is not a married individual (as defined in section 143) or to a married individual (as defined in such section) who does not make a joint return of tax with his spouse for the taxable year.

"(4) CARRYOVER OF UNUSED DEDUCTION.—In the case of a taxpayer for whom the exemption allowed by paragraph (1) for a taxable year reduces his tax liability to zero, and in the case of a taxpayer whose liability for tax under this chapter (determined without regard to the additional exemption allowed by paragraph (1)) is zero, the additional exemption allowed by paragraph (1) for that taxable year, or that portion of such exemption which is properly attributable to a reduction of the taxpayer's liability for tax under this chapter below zero, shall be carried over to the following taxable year and shall be treated, for such following taxable year, as an additional exemption allowed by paragraph (1) for that taxable year.".

(b)(1) Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1954 (relating to additional itemized deductions for individuals) is amended by redesignating section 221 as section 222 and by inserting after section 220 the following new section:

"SEC. 221. ADOPTION EXPENSES.

"(a) ALLOWANCE OF DEDUCTION.—In the case of an individual, there shall be allowed as a deduction the amount of the adoption expenses paid or incurred by the taxpayer during the taxable year.

"(b) LIMITATION ON DEDUCTIONS.—

"(1) MINIMUM DOLLAR AMOUNT.—No deduction shall be allowable under subsection (a) for the first $500 of adoption expenses paid or incurred with respect to the adoption of any child.

"(2) MAXIMUM DOLLAR AMOUNT.—The aggregate amount allowable as a deduction under subsection (a) for all taxable years with respect to the adoption of any child shall not exceed $3,500 ($4,500 in the case of an international adoption).

"(3) DENIAL OF DOUBLE BENEFIT.—

"(A) IN GENERAL.—No deduction shall be allowable under subsection (a) for any amount for which a deduction or credit is allowable under any other provision of this chapter.

"(B) GRANTS.—No deduction shall be allowable under subsection (a) for any adoption expense paid from any funds received under any Federal, State, or local program.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ADOPTION EXPENSES.—The term 'adoption expenses' means reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of a child by the taxpayer and which are not incurred in violation of State or Federal law.

"(2) INTERNATIONAL ADOPTION.—The term 'international adoption' means an adoption—

"(A) occurring under the laws of a foreign country, or

"(B) involving a child who was a citizen of a foreign country who—

"(i) was brought to the United States for the purpose of adoption, or

"(ii) came to the United States under circumstances with respect to which the necessity for the child's placement in adoption proceedings was reasonably foreseeable.".

(2) Section 62 of such Code (defining adjusted gross income) is amended by inserting after paragraph (16) the following new paragraph:

"(17) ADOPTION EXPENSES.—The deduction allowed by section 221.".

(3) The table of sections for such part VII is amended by striking out the item relating to section 221 and inserting in lieu thereof the following:

"Sec. 221. Adoption expenses.
"Sec. 222. Cross references.".

(c)(1) The amendment made by this section shall apply with respect to taxable years beginning after December 31, 1980.

(2) The amendments made by subsection (b) shall apply to adoption expenses paid or incurred after December 31, 1978, in connection with any adoption which becomes final after December 31, 1980.

TITLE III—EDUCATION

COMMUNITY PARTICIPATION IN TEACHING OF RELIGION

SEC. 301. (a) Part C of the General Education Provisions Act is amended by adding at the end thereof the following new section:

"PARENTAL PARTICIPATION; TEACHERS RIGHTS; EDUCATION ALTERNATIVES

"SEC. 440B. Notwithstanding any other provision of law, it shall be unlawful for any Federal, State or local educational agency or institution receiving any Federal funds to—

"(1) prohibit parents or representatives of the community from participating in decisions relating to the establishment or continuation of courses relating to the study of religion;

"(2) prohibit or unnecessarily limit parental visits to public schools or classes, or the right of parents to inspect their children's education records upon reasonable notice;

"(3) require the forced payment of dues or fees as a condition of employment for teachers; or

"(4) prohibit parental review of textbooks prior to their use in public school classrooms.".

(b) Part C of the General Education Provisions Act is further amended by adding at the end thereof the following new section:

"COURSES OF INSTRUCTION AND EDUCATION MATERIALS

"SEC. 440C. No funds authorized under any applicable program or any provision of Federal law shall be used to secure or promote education materials or studies relating to the preparation of education materials if such materials do not reflect a balance between the status role of men and women, do not reflect different ways in which women and men live and do not contribute to the American way of life as it has been historically understood.".

(c)(1) Any individual aggrieved by a violation of section 440B or 440C of the General Education Provisions Act may bring a civil action in the appropriate district court of the United States, or in any State court of competent jurisdiction, for damages, or for such equitable relief as may be appropriate, or both.

(2) Each district court of the United States, and each State court of competent jurisdiction, shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of sections 440A and 440B of the General Education Provisions Act.

(3)(A) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case brought under this subsection is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(B) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

(4) In any action or proceeding brought under this subsection, the court may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs and any department or agency of the United States, of a State, or of a political subdivision of a State, shall be liable for costs the same as a private person.

(5) For the purpose of this subsection the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Marina Islands, or the Trust Territory of the Pacific Islands.

RIGHTS OF STATES AND LOCAL EDUCATIONAL AGENCIES

SEC. 302. (a) Federal funds shall not be withheld under any provision of Federal law nor shall any provision of Federal law be construed to prohibit—

(1) the right of any State or any State or local educational agency to determine the qualifications required of teachers within the jurisdictions of such agen-

cies, including the right to make a determination that no certification requirement will be imposed;

(2) the right of any State to set or refuse to set attendance requirements at public or private schools within their jurisdictions, including the right to determine that no such attendance requirement will be imposed; or

(3) the right of any local educational agency, in consultation with parents of students enrolled in the schools of such agency, to limit or prohibit the intermingling of sexes in any sports or other school-related activities.

(b) Section 2(2) of the National Labor Relations Act is amended to read as follows:

"(2) The term 'employer' includes any person acting as an agent of an employer, directly or indirectly, but shall not include the United States or any wholly owned Government corporation, or any Federal reserve bank, or any State or political subdivision thereof, or any corporation or association operating a school, if no part of the net earnings inures to the benefit of any private shareholder or individual, or any person subject to the Railway Labor Act, as amended from time to time, or any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.".

EDUCATION BLOCK GRANTS

SEC. 303. (a) The Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new title:

"TITLE XI—ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE PROGRAM

"STATEMENT OF PURPOSE

"SEC. 1101. In order to meet the rising costs of providing education in the public schools of the States and to assist the limited resources of State and local educational agencies, it is the purpose of this title to make unconditional education block grants to State and local educational agencies.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 1102. There are authorized to be appropriated for the purpose of carrying out this title, $4,500,000,000 for the fiscal year 1982 and for each succeeding fiscal year ending prior to October 1, 1985.

"ALLOTMENT

"SEC. 1103. (a)(1) From the funds appropriated pursuant to section 1102, the Secretary shall allot not less than 1 per centum among Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the

Northern Mariana Islands, according to their respective needs.

"(2) From the remainder of such sums the Secretary shall allot to each State an amount which bears the same ratio to such remainder as the number of children in each such State—

"(A) who are age five to seventeen inclusive; and

"(B)(i) who are enrolled in the public elementary and secondary schools of local educational agencies, and

"(ii) who are enrolled in such schools of the State educational agency of such State.

"(3) For the purposes of paragraph (2) of this subsection the term 'State' does not include Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands and the Northern Mariana Islands.

"(b) The portion of any State's allotment under subsection (a) for a fiscal year which the Secretary determines will not be required, for the period such allotment is available for carrying out the purposes of this title shall be available for reallotment from time to time, on such dates during such period as the Secretary may fix, to other States in proportion to the original allotments to such States under subsection (a) for such year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum which the Secretary estimates will be needed in such State and will be used for such period for carrying out applications approved under this title, and the total of such reductions shall be similarly reallotted among the States whose proportionate amounts are not so reduced. Any amount reallotted to a State under this subsection during a year shall be deemed part of its allotment under subsection (a) for such year.

"USES OF FUNDS

"SEC. 1104. Grants made under this title may be used in accordance with applications approved under section 1105 for educational programs and activities conducted by public elementary and secondary schools of local educational agencies and of State educational agencies.

"APPLICATIONS

"SEC. 1105. (a) A grant under this title may be made to any local educational agency upon application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary. Each such application shall—

"(1) provide that the programs and activities for which assistance under this title is sought will be administered by and under the supervision of the applicant;

"(2) in the case of a State educational agency, provide assurances that no more than 5 per centum of the funds for which the application is made by such agency will be expended for purposes other than programs and activities conducted by the public elementary and secondary schools of such agency; and

"(3) provide for making evaluations of programs and activities assisted under this title.

"(b) Applications for grants under this title may be approved by the Secretary only if—

"(1) the application meets the requirements set forth in subsection (a); and

"(2) the application is consistent with objective criteria established by the Secretary for the purpose of achieving an equitable distribution under this title within such State. Such criteria shall be based upon a consideration of—

"(A) the number of children aged five to seventeen, inclusive, who are enrolled in the public elementary and secondary schools of the local educational agencies within each such State; and

"(B) the relative need of the local educational agencies within the State for assistance under this title.

"(c) Amendments of applications shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original applications.

"PAYMENTS

"SEC. 1106. Payments under this title shall be made from a State's allotment to any State or local educational agency which has an application approved under section 1105. Payments under this title shall be made for the cost of carrying out an application of a State or local educational agency and shall exclude any costs with respect to which payments were received under any other Federal program.

"WITHHOLDING

"SEC. 1107. Whenever the Secretary, after giving reasonable notice and opportunity for hearing to a grant recipient under this title, finds—

"(1) that the program or activity for which such grant was made has been so changed that it no longer complies with the provisions of this title; or

"(2) that in the operation of the program or activity there is failure to comply substantially with any such provision;

the Secretary shall notify such recipient of his findings and no further payments may be made to such recipient by the Secretary until he is satisfied that such noncompliance has been, or will promptly be, corrected. The Secretary may authorize the continuance of payments with respect to any program or activities pursuant to this title which are being carried out by such recipient and which are not involved in the noncompliance.

"JUDICIAL REVIEW

"SEC. 1108. (a) If any State or local educational agency is dissatisfied with the Secretary's final action with respect to the approval of its application submitted under section 1105, or with his final action under section 1107, such State or local educational agency may within sixty days after notice of such action file with the United States court of appeals for the circuit for which such agency is located a petition for review of that action. A copy of that petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file promptly in the court the record of the proceedings on which he based his action, as provided for in section 2112 of title 28, United States Code.

"(b) The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

"(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"PROHIBITIONS AND LIMITATIONS

"SEC. 1109. (a) Nothing contained in this title shall be construed to authorize any department, agency, officer, or employee of the United States to exercise any direction, supervision, or control over the curriculum, program of instruction, administration, or personnel of any educational institution or school system.

"(b) Nothing contained in this title shall be construed to authorize the making of any payment under this title for the construction of facilities as a place of worship or religious instruction.

"DEFINITIONS

"SEC. 1110. As used in this title the term 'free public education' means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State.".

(b) Titles I, II, III, IV, VII, and IX of the Elementary and Secondary Education Act of 1965 are repealed effective October 1, 1981.

RELEASE TIME FOR PARENTHOOD EDUCATION

SEC. 304. Nothing contained in this Act, any amendment made by this Act, or any other provision of Federal law shall be construed to prohibit release time for parenthood education to be conducted by churches or parents.

LEGAL SERVICES: BUSING

SEC. 305. Section 1007(b)(9) of the Legal Services Corporation Act is amended to read as follows:

"(9) to provide legal assistance with respect to any proceeding or litigation relating solely to the achievement of racial quotas for, or the desegregation of, any elementary or secondary school or school system;".

TITLE IV—VOLUNTARY PRAYER AND RELIGIOUS MEDITATION

SHORT TITLE

SEC. 401. This title may be cited as the "Voluntary Prayer and Religious Meditation Act of 1981".

FINDINGS

SEC. 402. (a) The Congress finds that—

(1) America is a Nation founded on freedom;

(2) essential to freedom is the free exercise of the inalienable rights guaranteed to all by our Creator;

(3) in order to preserve such rights it is equally essential that the Constitution be broadly interpreted in matters of individual freedoms; and

(4) the free exercise of religious expression whether public or private is a fundamental freedom which should not be benignly denied in order to protect other freedoms equally fundamental.

(b) In order to secure the right of individuals to the free exercise of religion guaranteed by the first amendment of the Constitution, the Congress pursuant to its authority under the necessary and proper clause of section 8, article I of the Constitution, enacts the provisions of this title.

DEFINITION

SEC. 403. As used in this title—

(1) the term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands; and

(2) the term "voluntary prayer or religious meditation" includes individual prayer and devotional reading from religious literature initiated by members of the group, provided that any person so desiring is ex-

cused from participating in such prayer and devotional reading.

VOLUNTARY SCHOOL PRAYER AND RELIGIOUS MEDITATION RIGHT PROTECTED

SEC. 404. (a) Each individual shall have the right to participate in the free exercise of voluntary prayer or religious meditation in any public building or in any building which is supported in whole or in part through the expenditure of Federal funds.

(b) No department or agency of the United States, of any State, or of any political subdivision of a State, shall abridge the right of free exercise of voluntary prayer or religious meditation in any public building or any building which is supported in whole or in part through the expenditure of public funds.

CIVIL ACTIONS AUTHORIZED; JURISDICTION AND RELIEF

SEC. 405. (a) Any individual aggrieved by violation of this title may bring a civil action in the appropriate district court of the United States, or in any State court of competent jurisdiction, for damages or for such equitable relief as may be appropriate, or both.

(b) The district courts of the United States shall have jurisdiction of actions brought under this section without regard to the amount in controversy.

(c) Each district court of the United States, and each State court of competent jurisdiction, shall provide such equitable relief, including injunctive relief, as may be appropriate to carry out the provisions of this title.

(d)(1) It shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge), who shall then designate a district or circuit judge of the circuit to hear and determine the case.

(2) It shall be the duty of the judge designated pursuant to this subsection to assign the case for hearing within thirty days of filing with the court. A hearing of the case must be held within one hundred and eighty days upon the proper filing of the case with the court.

SAVINGS PROVISION

SEC. 406. The provisions of this title shall supersede all the provisions of the Federal law that are inconsistent with the provisions of this title.

TITLE V—RIGHTS OF RELIGIOUS INSTITUTIONS AND EDUCATIONAL AFFILIATES

RIGHTS OF RELIGIOUS INSTITUTIONS

SEC. 501. (a) With respect to admissions policies, instructional or training materials, instruction or methodological hiring or selecting of employees and staff, contractual relationships with employees and staff, or operating procedures, neither the Federal Government nor any instrumentality thereof shall by rule, regulation, or otherwise impose any legal obligation or condition on any childcare center, orphanage, foster home, social action training program, emergency shelter for abused children or spouses, school, juvenile delinquency or drug abuse treatment center or home, or similar program or institution which is directly or indirectly operated by a church or religious organization. For purposes of the preceding sentence, the promulgation of reasonable health and fire regulations by an instrumentality exercising the authority of a local government shall not be prohibited.

(b)(1) The provisions of subsection (a) shall not apply with respect to the administration of the Civil Rights Act of 1964 with respect to race, creed, color, or national origin.

(2) Nothing in this subsection shall be construed to permit rules or regulations relating to affirmative action, quotas, guidelines, or actions designed to overcome racial imbalance.

TITLE VI—MISCELLANEOUS

JURISDICTION

SEC. 601. (a) Except as otherwise provided in this Act, the district courts of the United States and any court in a territory which is vested with the powers of a district court shall have jurisdiction of any civil action brought under this Act, or under an amendment made by this Act, without regard to amount in controversy. Any such action may be brought in the district wherein the defendant is found or is an inhabitant or transacts business, and process may be served in any district of which the defendant is an inhabitant or wherever the defendant may be found.

(b) Except as otherwise provided by this Act, any action brought under this Act, or under an amendment made by this Act, in any State court of competent jurisdiction shall not be removed to any court of the United States, unless an officer or employee of the United States in his official capacity is a party. No costs shall be assessed against the United States in any such action brought by or against the United States in any court of the United States, or of a State.

LIMITATIONS OF ACTION

SEC. 602. Any action brought under this Act, or an amendment made by this Act shall be brought within six years after the cause of action arises.

ENFORCEMENT

SEC. 603. (a) Except as otherwise provided by this Act, any person who violates any provisions of this Act, any amendment made by this Act, or any rule, regulation, or order issued thereunder, may be subject to a civil penalty, not to exceed $5,000 for each violation, after opportunity for a hearing pursuant to subsection (b). Each separate offense shall be a violation and, in the case of a continuing offense, each day shall constitute a separate violation.

(b) Each hearing pursuant to subsection (a) shall be public and any assessment of a penalty after such a hearing shall be based on the record. Each hearing shall be conducted in accordance with the provisions of section 554 of title 5, United States Code.

(c)(1) Any penalty assessed pursuant to subsection (b) may be collected in an action brought by the Attorney General or, if the Attorney General directs, by the head of the appropriate agency in any district court of the United States. In any such action, the validity and appropriateness of the final determination imposing the penalty shall not be subject to review.

(2) The penalty shall be payable to the United States Treasury.

(d) A person aggrieved by a final determination under subsection (b) is entitled to judicial review in an appropriate

United States Court of Appeals, if petition for review is filed within twenty days after the determination is made. Review of the determination shall be in accordance with section 706 of title 5, United States Code.

CONTRARY STIPULATIONS VOID

SEC. 604. Any condition, stipulation, or provision binding any person to waive compliance with any provisions of this Act, any amendment made by this Act, or any rule or regulation issued thereunder is void.

REPORT TO CONGRESS

SEC. 605. The Secretary shall prepare and submit to Congress, within thirty months after the date of enactment of this Act, a comprehensive report on the administration of this Act and the progress of States.

EFFECT ON OTHER LAWS

SEC. 606. (a) The rights and remedies provided by this Act, or any amendment made by this Act, shall be in addition to any other right or remedy provided under Federal or State law.

(b) This Act, and any amendment made by this Act, does not limit any other right or remedy for the protection of the family under State or Federal common law or statutory law.

AUTHORIZATION OF APPROPRIATIONS

SEC. 607. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEPARABILITY

SEC. 608. If any provision of this act or any amendment made by this Act, or the application of such provision or amendment to any person or circumstances, shall be held invalid, the remainder of this Act or such amendment or the application of such provision or amendment to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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