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September, 1975

EXECUTIVE

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FG37  
WE5

(3)

[COMMITTEE PRINT]

94TH CONGRESS }  
1st Session }

SENATE

NURSING HOME CARE IN THE UNITED  
STATES: FAILURE IN PUBLIC POLICY

Supporting Paper No. 6

WHAT CAN BE DONE IN NURSING HOMES:  
POSITIVE ASPECTS IN LONG-TERM CARE

PREPARED BY THE  
SUBCOMMITTEE ON LONG-TERM CARE  
OF THE  
SPECIAL COMMITTEE ON AGING  
UNITED STATES SENATE



SEPTEMBER 1975

Printed for the use of the Special Committee on Aging

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September 3, 1975

EXECUTIVE

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WE5

WE9

Estimada Amiga:

Thank you for dropping by my office this morning to discuss the problems faced by EOFULA in the District.

You may rest assured that we will do everything possible to assist EOFULA to enable it to continue its marvelous work with our Senior Citizens and young people in Washington.

My best personal regards.

Yours sincerely,

Fernando E. C. De Baca  
Special Assistant to the President

X  
DAVILA

Ms. Marcela Davila  
Chairperson, EOFULA  
1235 Shepherd Street, N. W.  
Washington, D. C. 20011

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EXECUTIVE

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WE 5

LA SPADA, CARMELLA

September 8, 1975

Dear Hank:

The President asked that I respond to your letter of August 29th.

First, he and many other Americans appreciate the efforts of No Greater Love and your leadership of that organization.

Second, a proclamation relating to the older citizens of America was recently signed by the President.

Third, your letter has been sent to the staff people responsible for the various items mentioned and it will receive serious consideration.

Keep swinging. We are proud of you.

Sincerely,

Theodore C. Marrs  
Special Assistant to the President

Mr. Hank Aaron  
President  
★ No Greater Love  
★ 1750 New York Avenue, NW.  
Washington, D. C. 20006



*Carmella will bring  
us a suggested  
"Thanksgiving Day Salute."*

*Velona*



EXECUTIVE

MC 4-5

WE 5

WE 9

September 9, 1975

MEMORANDUM FOR: TED MARRS

FROM: PAMELA POWELL

SUBJECT: <sup>X</sup>Youth Conference on  
Older Americans

Attached is some information on a program with which you are probably very familiar. I won't bore you, therefore, on going into the details of the program, but only wonder if we shouldn't do something similar here.

Why not have a Tuesday or whatever geared to closing the gap between the youth and the senior citizen -- a discussion of mutual problems, abilities to learn from each other, etc. After all, we are in the business of opening dialogue between diverse groups!

Please let me know your thoughts.

Attachments: brochures and Eliz. <sup>X</sup>Harrison letter

PAP:ref



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EXECUTIVE

WEB

FG-6-15

*Sarah*  
*F-1*

MEMORANDUM FOR HONORABLE VIRGINIA H. KNAUER  
Special Assistant to the President  
for Consumer Affairs

SUBJECT: Elderly Consumers

I appreciate your views on the need for greater attention to the needs of the elderly consumers.

As you know, we requested the Congress to extend the authorizations of the Older Americans Act of 1965 for two years with relatively minor changes. This statutory authority is sufficiently broad to undertake many activities at the State and local level for elderly consumers. Presently, HEW supports State and local consumer education and consumer protection activities as well as other advocacy-related activities on behalf of older persons.

I thank you for prompting greater sensitivity to this matter and we will identify opportunities for helping elderly consumers in our legislative review process.

(Signed) Jim  
James T. Lynn  
Director

cc: Honorable David Mathews  
Honorable James M. Cannon ✓



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EXECUTIVE

AG 6-11-1 (3)  
AG 375  
WES  
Tarani, Chonice

September 30, 1975

Dear Bertha:

Thank you so much for including me on your exceptional panel Sunday afternoon. Without a doubt, I learned a great deal more about the problems facing you and your council than I thought was possible in such a short period of time.

It was really a privilege to hear the presentations of so many outstanding advocates for the aging. It was surprising to me also to find that so many of their problems paralleled the problems of all women no matter what their age. The effects of discrimination touch all of us.

Again, thank you for a most memorable afternoon.

Sincerely,

Patricia S. Lindh  
Special Assistant to the President

Ms. Bertha Adkins<sup>x</sup>  
Chairman of the Federal Council  
on the Aging  
Washington, D. C. 20201

PSL:nam



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HU2-5

October 15, 1975

Dear Ms. Shadoan:

Thank you so much for your letter of October 9th and my copy of "Legal Issues Affecting the Older Woman in America Today."

It seems to me that you have covered just about every problem facing the older woman in great detail and with authority. I am pleased to have this information and I know I will find it extremely useful.

Sincerely,

Patricia S. Lindh  
Special Assistant to the President

Ms. Arlene T. ~~X~~ Shadoan  
~~X~~ National Senior Citizens Law Center  
Suite 212  
910 17th Street, NW  
Washington, D. C. 20006

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TELEPHONE (202) 872-1404

Directing Attorney  
JAMES A. LANIGAN

MAIN OFFICE  
1709 West 8th Street  
Los Angeles, California 90017

Executive Director  
PAUL S. NATHANSON

October 9, 1975

Mrs. Patricia S. Lindh  
Special Assistant to the President for Women  
Executive Office of the President  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20500

Dear Mrs. Lindh:

At the Federal Council on Aging Hearing on the National Policy Concerns for Older Women held on September 28, 1975, I was informed that you had not received a copy of our full statement prior to the hearing. I am thus enclosing a copy of Legal Issues Affecting The Older Woman In America Today.

Since we found that few people seem to be aware of the older woman's problem - much less focus upon them - we have decided to treat this subject as a priority item. Thus this statement will be refined and expanded. I know that you must receive a plethora of material; however, if you are interested in receiving our future products on this subject, I would be more than happy to send them to you.

Thank you for your interest in the legal concerns of older women.

Sincerely yours,



Arlene T. Shadoan

ATS:salb

Enclosure

cc. Paul S. Nathanson



Statement of  
NATIONAL SENIOR CITIZENS LAW CENTER  
on  
LEGAL ISSUES AFFECTING THE  
OLDER WOMAN IN AMERICA TODAY  
before the  
FEDERAL COUNCIL ON AGING HEARING  
on  
NATIONAL POLICY CONCERNS FOR OLDER WOMEN

Washington, D.C.

September 28, 1975

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## BRANCH OFFICE:

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Directing Attorney

910 - 17th Street, N. W.  
Washington, D. C. 20006

## LEGAL ISSUES AFFECTING THE OLDER WOMAN IN AMERICA TODAY

by

National Senior Citizens Law Center

My name is Paul Nathanson. I am Executive Director of the National Senior Citizens Law Center with offices in Los Angeles, California, and Washington, D.C. With me is Arlene Shadoan, a staff attorney in our Washington Office. The National Senior Citizens Law Center is funded by the Administration on Aging and the Community Services Administration, to focus on the special legal problems of the elderly, especially the elderly poor, and to assist in the extension of legal services to this group. Our Board of Directors consists of representatives of the national aging groups, the organized bar and professionals in the field of aging. An issue of



primary concern to us is the legal problems of the older woman and how these problems can be best attacked.

Older women in America today constitute the single poorest group of persons in our society. While almost twenty-two per-cent (22%) (totaling more than 43 million) of all older people<sup>1</sup> live in households below the poverty level, more than fifty per-cent (50%) of all single women above the age of 65 live at or<sup>2</sup> below the poverty level. The reasons for this sad situation in which so many women find themselves at the end of their lives lie in deep-seated patterns of our culture. These patterns are 1) the economic dependency of women and 2) the discrimination against women. The first pattern, that women are generally en-couraged to and for some portion of their lives do live as eco-nomic dependents of working men, often results in a radical loss of income when for some reason - most often death or divorce - that dependency is terminated. The second pattern, discrimination against women in our society, affects to a greater or lesser ex-tent the ability of women to support themselves through gainful employment. Older women are affected by such discrimination not only through the loss of immediate salary income by virtue of the failure to find employment or finding low paid employment, but also by nonexistent or reduced retirement benefits directly

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1. U.S. Department of Health, Education and Welfare, "New Facts About Older Americans," 1973, (pamphlet).
  2. Heidbreder, "Pensions and the Single Woman," Industrial Gerontology, 52 (Fall, 1972).





related to employment.

Because the poverty of older women results from societal patterns that affect women not yet of retirement age, we focus upon the issues of concern to the 40 to 65 year age group, women not yet "old" in the traditional meaning of the term. Furthermore, women in that age bracket, in contrast to men, are often viewed as "old." In a society characterized by both sexism and ageism, the woman who does not have the physical appearance of youth is often considered "useless" and as unemployable as a man of retirement age. If we do not address the problems of the older woman before she becomes "old," we will have no solutions for her.

We shall address several basic legal issues that affect or prevent the economic self-sufficiency of the older women. These are Social Security, other pension benefits, employment discrimination, and other legal issues. We shall cite legal attacks on discrimination against women in these areas, legislation and programs to abate discrimination, and set forth to this Council national policy concerns in these areas for your consideration. Because employment discrimination affects women at an earlier stage of their lives and creates problems that affect the other two areas, it seems appropriate to begin with it.

#### EMPLOYMENT DISCRIMINATION AGAINST OLDER WOMEN

Discrimination against older women in the hiring and the terms of employment is an illegal, but pervasive fact of today's job market.

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3.

The Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202, is codified at 29 U.S.C. §621-634 and prohibits discrimination against persons 40 to 65 years of age, 29 U.S.C.



Such discrimination results at least in part from requirements of both physical attractiveness and a docile, supportive manner for many female-categorized jobs. Stewardesses, secretaries, receptionists, are expected to be both decorative and malleable; to the extent that older women have "outgrown" these characteristics they are felt by many to be ipso facto less qualified for such jobs. In addition, there is a common but unproven belief that with increased age a woman's manual dexterity and/or intellectual flexibility is impaired resulting in her inability to perform the needed tasks. This is especially true regarding the woman who has been in and out of the labor market, primarily for family reasons, and must relearn or learn unfamiliar (to her) methods and techniques. This basic attitude or reluctance to hire the older woman is accompanied by the same disinclination to train her in current job skills, again for the same reasons. Such training would be provided as a matter of course to the younger woman. Still another barrier to employment even for women having current job skills is the "recent experience" requirement for employment. It is commonplace for employers to require current skills and actual recent experience in performing the type of job for which the applicant applies. Of course, this burden falls most heavily on older women who may be out of the job market for a period of years but who have kept up their skills. It would appear that this requirement of recent experience is discriminatory unless a relationship

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3. continued - Sec. 623. The major law barring employment discrimination on the basis of sex is Title VII of the Civil Rights Act of 1964,, Pub. L. No. 88-352 found at 42 U.S.C. Sec. 2000e. We will not deal with The Equal Pay Act of 1963, Pub. L. No. 88-38, 29 U.S.C. Sec. 206, for equal pay for equal work is a problem affecting all women.



between recent experience and job performance can be demonstrated. Litigation has been filed by the American Civil Liberties Union<sup>4</sup> in San Francisco in a case called Mannon v. San Francisco to declare this "recent experience" requirement a violation of the laws prohibiting job discrimination on the basis of sex.

That employment discrimination is important to older women as a class and to the economy as a whole, is evidenced by the fact that increasing numbers of older women, as we define them, are entering the work force. In the age group 45 to 54 years, there were 38 percent of the women in the work force in 1950; in 1960, 49.8 percent; in 1970, 54.4 percent; in 1973, 53.7 percent and the projected percentage for 1980 is 56.6 percent; for 1990, 58.3 percent. In the age group 55 to 64 years the percentages were: 1950, 27 percent; 1960, 37.2 percent; 1970, 43 percent; 1973, 41.1 percent and the projection for 1980 is 45.1 percent, for 1990, 46.1 percent. In 1990 it is projected that the greatest percentage of women in the labor force will be in the age group 45 to 54 years at 58.3 percent; the next largest percentage, 56.3 percent will be comprised of the 20 to 24 year age group.<sup>5</sup> Thus the magnitude of the problem of employment discrimination against the older women is clear.

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4. C 75 132 OJC (N.D. Cal., 1975)

5. See U.S. Departments of Labor and Health, Education and Welfare, Manpower Report of the President 1975, "Table I. Labor Force Participation Rates of Women, By Age Group, Selected Years 1950 to 1973 and Projected 1980 and 1990," p. 57. This table shows a dramatic decrease in the labor force for women 65 years and over .





Having stated the problem and its magnitude what is being done legally and programmatically to attack age/sex discrimination in employment? Before turning to public and private actual and proposed programs, let us look at the enforcement of age and sex discrimination laws regarding older women.

#### Enforcement of Age/Sex Non-Discrimination Laws

The Equal Employment Opportunity Commission (EEOC) is charged with enforcing Title VII, the prohibition against employment discrimination on the basis of sex, race, and all other categories.<sup>6</sup> The Labor Department is responsible for enforcing the age discrimination in employment law.<sup>7</sup> As stated, there are two separate laws prohibiting employment discrimination against older women. The Age Discrimination in Employment Act of 1967 prohibits discrimination against women according to age; Title VII of the Civil Rights Act of 1964 prohibits discrimination against as women.<sup>8</sup>

A qualification of Title VII's proscription of discrimination against sex relates to the bona fide occupational qualification<sup>9</sup> (BFOQ). This qualification applies only if an employer is able to demonstrate that sex is required for the successful performance of the job, e.g. an employer could advertise for a female to play the role of a woman in a play but could not restrict an advertisement to females as opposed to males in advertising for a

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6. 42 U.S.C. Sec. 2000e-4.

7. 29 U.S.C. Sec. 626.

8. Supra, n.3.

9. 42 U.S.C. Sec. 2000e - 2(e).



secretary. The EEOC's guidelines on employment discrimination  
on the basis of sex<sup>10</sup> specify that the BFOQ exemption should be  
interpreted narrowly.<sup>11</sup> In addition, the courts have interpreted<sup>12</sup>  
this exception narrowly.

Why, if age and sex discrimination are illegal and the BFOQ  
exception is interpreted narrowly, does discrimination in employ-  
ment continue to be frequent regarding older women? Disregarding  
problems lodged in the attitudes of society and the problems of  
proof, the difficulty obviously is effective enforcement. The  
Labor Department on the face of its budget is underfunded with  
respect to enforcement of the Act. In fiscal 1976 the total budget  
for the "elimination of discrimination in employment" which in-  
cludes the enforcement of the equal pay provisions of the Fair  
Labor Standards Act, as well as the Age Discrimination in Employ-  
ment Act, was just over \$25 million.<sup>13</sup> This compares with a total  
budget of over \$118 million for fiscal 1976 for the Equal Employ-  
ment Opportunity Commission.<sup>14</sup> Obviously, until the enforcement  
activity is adequately funded, no substantial progress toward  
eliminating age discrimination in employment can be expected. In  
addition, the fact that two separate governmental agencies enforce  
laws prohibiting employment discrimination against older women poses

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10. 29 C.F.R. Sec. 1604.

11. 29 C.F.R. Sec. 1604.2.

12. See e.g. Diaz v. Pan American World Airways, Inc. 442 F.  
2d 385 (5th Circuit), cert. denied, 404 U.S. 950 (1971).

13. Appendix, The Budget of the United States Government Fiscal  
Year 1976, p. 625. This amount also includes monies for other  
activities, such as the administration of affirmative action  
provisions relating to hiring the handicapped and the elimi-  
nation of sex discrimination in employment under an executive  
order.

14. Id. at 870.





a facially obvious obstacle to enforcement. A number of women have reported experiencing a bureaucratic shuffle of their cases between the EEOC and the Labor Department where the EEOC declares the case to involve age discrimination not within its jurisdiction, while the Labor Department defines the case to be one of sex discrimination. This is understandable. A combination of age and sex discriminates against older women in employment. It is difficult to separate one factor from the other.<sup>15</sup> A solution might be found in giving the EEOC jurisdiction over the enforcement of the Age Discrimination In Employment Act together with their jurisdiction over all other kinds of employment discrimination. Certainly the problem commands more vigorous enforcement against employment discrimination by age/sex by the federal government, both through the allocation of sufficient monies for enforcement purposes, as well as a greater recognition of the dualism of the age/sex problem regarding the employment of older women.

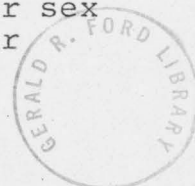
#### Programs To Attack Age/Sex Discrimination In Employment

Early manpower programs under the Manpower Development and Training Act of 1962<sup>16</sup> did not aid women generally, and it can be assumed that it did not aid older women in particular. The programs did not train women in non-traditionally female-type jobs. Women were trained for the same jobs in which they previously worked prior to the training program (seventy percent (70%) of all female trainees were trained for and were working in clerical jobs); women generally were not trained in jobs that were known as

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15. For example, attorneys differ as to whether it is age or sex discrimination when an employer refuses to hire an older woman as a waitress.

16. Pub. L. No.87-415, 42 U.S.C. §§2571-2628.



traditionally male and when they were, they were not paid the same as men trained for those occupations; in general jobs for which women were trained paid less than jobs for which men were

<sup>17</sup>  
trained. The fact that these manpower training programs so blatantly discriminated against women may have been the reason for the Comprehensive Employment and Training Act's emphasis that no monies be spent on programs when participation is denied because  
<sup>18</sup>  
of sex.

The CETA Program administered by the Department of Labor provides for job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons. Its purpose is to achieve self-sufficiency for those participating in the program. Obviously, a target group for this program are women in general, as well as older women. However, it seems that the CETA programs as administered by local government entities, are subject to the same sorts of discrimination that characterized the earlier manpower programs. There is evidence that the programs do not provide for the elimination of discrimination and are indeed discriminatory. These plans are not only discriminatory in the sense that priority is placed on the training of men, but also that the women trained in these programs are most often trained in traditional female-type jobs. Furthermore, the training in these traditionally female jobs does not provide for an upgrading of job skills, perpetuating the familiar gap between male and female income.

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17. Mark Battle Associates, Evaluation of the Availability and Effectiveness of MDTA, Educational and Training Services of Women, 1974

18. Pub. L. 93-203, 29 U.S.C. Secs. 801-992 at Sec. 983, 991.



Thus, in regard to women participants, these programs fail in their primary objective - to make the unemployed and underemployed self-sufficient.<sup>19</sup> Presently, a study is being undertaken by the Women's Rights Project of the Center for Law and Social Policy, Washington, D.C., to determine the scope of sex discrimination in certain federal training programs including the CETA program. The same sort of discrimination as is seen in the CETA programs, seems to be prevalent in the Work-Incentive Program (WIN) under Title IV of the Social Security Act.<sup>20</sup> This job training program, administered jointly by the Departments of Labor and Health Education and Welfare, focuses upon Aid For Dependent Children recipients;<sup>21</sup> seventy percent (70%) of all participants are women. Obviously, the CETA and WIN programs are important vehicles for the training and job placement of unemployed women and could be a substantial aid to older women who are moving back into the working force or into the working force for the first time after satisfying family responsibilities. Older women should be a target group for these programs. The aim of these programs - the economic self-sufficiency of the participants - should be vigorously enforced by the Departments of Labor and Health Education and Welfare. These departments should monitor the local governmental sponsors' plans to assure that women are trained for and placed in jobs on an equal basis with men.

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19. See e.g. "Formal Allegation Of Sex Discrimination In The District of Columbia Comprehensive Manpower Plan Filed On Behalf Of The Capitol Hill Chapter Of The National Organization For Women By The Women's Rights Project Of The Center For Law And Social Policy And The Women's Legal Defense Fund," dated June 19, 1975.

20. 42 U.S.C. Sec. 601-644.

21. U.S. Departments Labor and Health, Education and Welfare,





The CETA and WIN programs are directed toward persons who are clearly economically disadvantaged, either the unemployed or those on welfare. Legislation has been introduced in the House which would provide training, placement, counseling and other supportive services to "displaced homemakers," women who are subject to discrimination because of age, sex or the lack of recent prior experience and who are not eligible for social security, welfare or unemployment insurance. This Equal Opportunity for Displaced Homemakers Act has as its aim the economic independence of persons falling within this group. It is anticipated that this program would facilitate job training and placement of displaced homemakers in both public and private sectors utilizing homemakers' skills as well as facilitating admission of displaced homemakers in existing job training programs in the public and private sectors.

In addition to the existing and proposed governmental programs to aid women entering and reentering the labor force, there are a number of programs offered by colleges, non-profit organizations and profit-making organizations directed at the "recycled woman," a term which in itself is discriminatory. These programs range from simply encouraging the older woman to return to college

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21. (continued) Manpower Report of the President, 1974, p. 134. The report states: "Since about 70 percent of WIN participants are women, the reluctance of employers to consider women for jobs traditionally held by men has handicapped attempts to increase the numbers of participants in OJT." The Manpower Report of the President, 1975, pp. 69-70 states that the WIN program objectives are to train and place women in non-traditionally female jobs.
  22. Congresswoman Yvonne Braithwaite Burke, H.R.7003, H.R.8488 together with 20 co-sponsors, and H.R.8567 with two co-sponsors.



for a degree to counseling regarding how to make out a resume and adjust emotionally to a work situation to how to use skills developed in homemaking professionally.

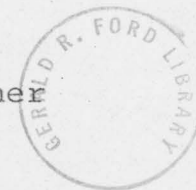
All of these programs -to serve the economically disadvantaged, the woman who has suddenly lost her income through death or divorce, and the woman who finds herself reentering the job market after fulfilling her family responsibilities are necessary, in addition to the enforcement of anti-discrimination laws, to help change society's attitudes toward the older woman and end age/sex discrimination.

#### The Part-Time or Intermittent Woman Employee

We have talked about the problems of older women entering and reentering the job market - the difficulties of enforcing age/sex employment discrimination laws, the placement and training of women for traditionally female type and typically low paid jobs rather than the higher paid jobs held by men evidencing discrimination, and the inherent discrimination against women in the failure in training programs to emphasize upgrading of skills already held. Now let us turn to the problems of women who work on an intermittent and/or part-time basis usually to accommodate family responsibilities.<sup>23</sup> Part-time employment is attractive not only to older women but to both older women and men who are reaching retirement age and wish to ease into retirement or who have reached retirement and still wish to participate in the labor force. It is attractive to the woman who must fulfill family responsibilities.

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23. One out of four women worked part-time in 1973 and another one out of four worked only part of the year. Manpower Report of the President, 1975, p. 74.





but who, through necessity, must work or who, through choice, wishes to keep her job skills current in anticipation of re-entering the work force full time. Part-time employment could be utilized by training programs for women reentering the job market. Unfortunately the part-time employment presently available consists of marginal type jobs that provide little or no fringe benefits, such as health and life insurance, retirement programs, annual and sick leave. Thus women who work part-time are denied these benefits. In addition, women who work on a permanent part-time basis, as well as women who reenter the job market after time off for child raising, are often denied promotions and are at a dead-end career-wise. This results because employees are expected to enter the job market at a relatively young age and work full-time while they steadily ascend the ladder of promotion. It is not clear that full-time work or many prior years of experience contribute to job performance in positions requiring ever greater responsibility.

Presently we have no national social policy governing part-time employment and employees. Maryland has recently enacted a law which requires agencies of the executive branch to fill their merit positions from the lowest to the top grades with a certain percentage of part-time employees.<sup>24</sup> This law provides for fringe benefits including health and life insurance, sick leave and annual

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24. H.B. 623 signed by Maryland Governor Marvin Mandel on May 15, 1975. Massachusetts has a similar law.



leave. Retirement benefits are prorated according to the amount of time worked. Similar legislation to provide part-time jobs for executive branch employees through GS 15 has passed the<sup>25</sup> Senate. Identical legislation is pending in the House.<sup>26</sup> Also pending in the House is the Flexible Hours Act which would enable<sup>27</sup> workers to adjust their hours of work to personal family needs. Such legislation should be carefully considered in view of the needs of the older woman. Furthermore, similar legislation should be considered to encourage private industry to open jobs to part-time employees. Perhaps most important, consideration should be given to establishing national policies to encourage part-time employment as well as to protect the part-time employee in such matters as life and health insurance, pension plans and other fringe benefits. Such policies should, of course, take into consideration employer costs of providing part-time employment, including costs incident to training and fringe benefits, as well as the benefits both monetary and social that the expansion of the part-time job market would provide.

#### National Policy Concerns of Older Women and Employment Discrimination

In summary, to eradicate age/sex discrimination against older women in employment which locks them into low-paying, traditionally female jobs and precludes them from attaining economic self-sufficiency, we suggest that the Federal Council on Aging consider

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25. S. 792, introduced by Senator John D. Tunney.

26. H.R. 2305, introduced by Congresswoman Yvonne Braithwaite Burke.

27. H.R. 545, introduced by Congresswoman Bella Abzug.



the following National Policy Concerns of Older Women and

Employment Discrimination:

GREATER COORDINATION OF AND VIGOROUS ENFORCEMENT OF EMPLOYMENT AGE/SEX DISCRIMINATION LAWS BY THE DEPARTMENT OF LABOR AND THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, INCLUDING SUFFICIENT MONIES TO EFFECT THIS ENFORCEMENT AND A POSSIBLE TRANSFER OF ENFORCEMENT FOR AGE DISCRIMINATION FROM THE LABOR DEPARTMENT TO EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;

IDENTIFICATION OF OLDER WOMEN AS A TARGET GROUP FOR CETA AND OTHER MANPOWER PROGRAMS AND THE MONITORING OF SUCH PROGRAMS BY THE LABOR DEPARTMENT FOR AGE/SEX DISCRIMINATION IN THE TRAINING AND PLACEMENT OF OLDER WOMEN;

CREATION OF A TRAINING, PLACEMENT AND COUNSELING PROGRAM FOR "DISPLACED HOMEMAKERS" NOT ELIGIBLE FOR SOCIAL SECURITY, WELFARE OR UNEMPLOYMENT COMPENSATION;

ESTABLISH A NATIONAL POLICY CONCERNING PART-TIME EMPLOYMENT WHICH WOULD ENCOURAGE PART-TIME JOBS ON ALL LEVELS IN THE PUBLIC AND PRIVATE SECTORS AND WOULD AFFORD PART-TIME EMPLOYEES THE SAME BENEFITS AND PROTECTIONS AS FULL-TIME EMPLOYEES.

WOMEN AND SOCIAL SECURITY

Discrimination against women in the Social Security System is conveniently classified in two ways: first, that which is the direct result of statutory provisions which provide on their face for different treatment of men and women, and second, that which stems primarily from the failure of the Social Security System to take into account the work that women do as homemakers - a failure to recognize what is now the typical role of more and more women, the combination over a lifetime of work outside the home with home-making. Professional and public awareness of the former has probably increased as the result of both wide writing about it and the publicity attendant to recent successful litigation in the Supreme Court.<sup>28</sup> Further, overt sex discrimination in the system

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28. Weinberger v. Weisenfeld, - U.S. - , 95 S. Ct. 1225 (1975).





appears, by comparison with the second category, easy to remedy by straightforward legislative change and possibly through litigation. In fact, in addition to various lawsuits which are pending, several bills have been introduced in Congress to eliminate the<sup>29</sup> facially sex discriminatory portions of the statute. It is therefore not our purpose here to discuss in detail the overt sex discrimination issues, and those sections of the statute which are discriminatory on their face are merely listed.

However, in addition to the congressional interest in the easier-to-resolve issues, there is growing interest in the second category of problems, the problems inherent in the system. We will discuss these problems.

#### Statutory Discrimination

The Social Security Act discriminates between men and women in the following ways:

1) Wives and widows of male wage earners are eligible for benefits which husbands and widowers of female wage earners can only become eligible for by demonstrating that they derived one-half of their support from the female wage earner;<sup>30</sup>

2) Divorced wives and surviving divorced wives (the analogue of the widow) are eligible for benefits on the earnings record of the former husband, but there is no provision whatsoever for

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29. E.g., Senator Birch Bayh has introduced S.1729, legislation designed to implement the decision in Weisenfeld. The bill would ensure that benefits for husbands, widowers, and fathers will be payable on the same basis as benefits for wives, widows and mothers. It would also permit the payment of benefits to a married couple on their combined earnings record.

30. 42 U.S.C. §402(c)(1)(C) and (f)(1)(D).



payment of benefits to divorced husbands and surviving divorced husbands of female wage earners;

3) Wives of retirement or disability beneficiaries can collect benefits, i.e., benefits payable independent of the wife's age, if they are caring for a child of the wage earner eligible for benefits,<sup>31</sup> but there is no comparable provision for payment of benefits to husbands of female retirement or disability beneficiaries, i.e., benefits payable independent of the husband's age, who may be caring for children of the wage earner eligible for benefits;<sup>32</sup> and

4) Widows caring for surviving children of a male wage earner can qualify for mother's benefits, i.e., benefits payable independent of the widow's age.<sup>33</sup>

These provisions appear to discriminate against men since they prevent men from collecting benefits in circumstances under which women similarly situated can collect benefits, but in fact they discriminate against women in their role as wage earners since the earnings of women cannot generate as much in benefits for their family members as can the earnings of men.

<sup>34</sup>  
In Weisenfeld, the Court found the lack of provision for father's benefits unconstitutional. Three, three-judge courts have

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31. 42 U.S.C. §402(b) (1) (B).

32. Under the Secretary's regulations, a wife is eligible on this basis even if the care of the child is the joint responsibility of both husband and wife. There is no requirement that the wife be a "full-time" mother, although if she is working, her benefits can be reduced because of the state's excess earnings test. 42 U.S.C. §403 (b)

33. 42 U.S.C. §402(g) (E)

34. Supra, n.27.



recently declared the half-support rule for husband's and widower's<sup>35</sup> benefits unconstitutional. A case challenging the failure to provide benefits to divorced husbands is pending in the Northern<sup>36</sup> District of California.

The statute also discriminates against divorced women vis-a-vis married women. Benefits payable to wives on the basis of caring for a child of the wage earner, i.e., benefits payable independent of the wife's age, are not available to divorced wives<sup>37</sup> similarly situated. However, divorced wives, like widows, are<sup>38</sup> entitled to mother's benefits. These discriminatory sections of the Social Security Act should be remedied by legislation.

#### Problems Inherent in the System

Homemakers are not independently covered under the Social Security Act. This failure to count homemaking work as covered employment results in provisions of the Social Security Act, which are facially sex neutral, having a discriminatory impact on women who are at various times in their lives both wage earners and homemakers. The two most obvious sources of discriminatory impact are the requirements for disability insured status and the

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35. Silbowitz, v. Secretary, 44 U.S. L.W. 2030, (S.D. Fla., June 20, 1975); Goldfarb v. Secretary, 44 U.S.L.W. 2006 (E.D.N.Y., June 17, 1975); Coffin v. Secretary, CCH Unemp. Ins. Rep. ¶14,257 (D.D.C. July 14, 1975).

36. Oliver v. Weinberger, No. D-74-1416-SC.

37. 42 U.S.C. §402(b)(1)(B).

38. 42 U.S.C. §402(g)(E).





method by which Social Security benefits are calculated.

In order to be insured for disability benefits the worker must, in the ten years preceding the onset of disability, have<sup>39</sup> five years which are quarters of coverage. To the extent that women move in and out of the labor market because of their family responsibilities, this obviously hurts them. Indeed the statistics<sup>40</sup> bear this out.

Social Security benefits for a given individual depend on that individual's primary insurance amount; her primary insurance amount is in turn based on her average monthly earnings over a<sup>41</sup> certain specific number of years. The number of years is fixed by a statutory formula which hurts women who move in and out of the labor market because of family responsibilities. Such women will have years of no earnings or of low earnings because of part-time jobs. Under the formula, these years will dramatically reduce their average monthly earnings. Even women for whom steady employment is a possibility or necessity undoubtedly are limited in career choices by family responsibilities and have their opportunities for higher-paying jobs similarly circumscribed. A history of low-paying jobs means low benefits.

The discriminatory impact of the method by which Social Security benefits are calculated results in what is commonly referred

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39. 42 U.S.C. §416(i)(3)(A&B).

40. According to Robert M. Ball, only about 40% of female workers are insured for disability, as compared with 90% of male workers. (Hearings on the Economic Problems of Women, Joint Economic Committee, 1973, as cited in the typewritten Civil Rights Commission December 1974 statement, Toward Elimination of Sex-Based Differentials in the Social Security System.)

41. 42 U.S.C. §415(a &b).



to as the "dual entitlement" problem. By this is meant the fact that for married women who have been in and out of the work force and/or who have held part-time jobs, their own primary insurance amounts are often less than the benefits they would be entitled to simply because of their marital status. In effect, then, they collect the same amount they could have collected had they never<sup>42</sup> worked in the outside job market a day in their lives. The statute does not permit women (or men for that matter) to collect in full benefits derived both from marital status, e.g., wife's benefits, and their own retirement benefit. Thus the economic contribution of women who combine homemaking with work outside the home, even full-time work, is not reflected in the benefit levels.

Failure to count homemaking as work for Social Security purposes also means that women who do not work in the outside job market have no disability insurance coverage whatsoever, probably have no Social Security coverage unless their homemaking tasks<sup>43</sup> are performed for a dependent spouse or child, since women who are homemakers for other relatives, e.g., siblings or parents, are not covered by virtue of their relationship, and stand to lose Social Security coverage if they divorce. There is no eligibility for divorced wife's or surviving divorce wife's benefits unless<sup>44</sup> the marriage was of at least twenty (20) years duration.

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42. By legal fiction, such women collect their own retirement benefits in full, plus the difference between that and what they would be entitled to as wives or widows. 42 U.S.C. §202(k)(3)(A).

43. 42 U.S.C. §402 (b)(1) (A),(B).

44. 42 U.S.C. §416(d).



However, legislation has been introduced which would reduce the required length of the divorced wife's marriage to an insured individual.<sup>45</sup>

In recent years various proposals have been advanced to provide independent coverage for homemakers.<sup>46</sup> Legislation has been introduced in the 94th Congress which would extend Social Security coverage to homemakers.<sup>47</sup> The legislation provides for a mandatory system of tax payments and benefits. For payroll tax purposes, the bill would treat homemakers the same as self-employed workers.

As mentioned above, women who do not work outside the home have no disability insurance coverage. Probably, in order to ameliorate this, Congress enacted a special disability provision for widows (disabled widowers can also qualify) who are too young to qualify for regular widows' benefits (not yet age 60) and who do not qualify for mothers' benefits because they are not caring for children entitled to benefits.<sup>48</sup> This provision, however, affords only very limited relief. To begin with, the widow must be between the ages of 50 and 60. The widow must also have become disabled within 7 years of the worker's death or within 7 years of the last time she was entitled to collect benefits on some other basis, e.g., having a child of the deceased worker in her care. More importantly, however, the definition of disability

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45. H.R.7158, introduced by Congreeman Edward I. Koch, would reduce the amount of time from 20 to 10 years as would S.2001, introduced in the Senate by Sen. Thomas F. Eagleton. H.R.159, introduced by Rep. Bella Abzug, would reduce the time from 20 to 5 years.

46. A detailed discussion of these proposals can be found in the December, 1974, typewritten statement of the Civil Rights Commission, Toward Elimination of Sex-Based Differentials in the Social Security System.

47. H.R. 3009, introduced by Rep. Barbara Jordan.

48. 42 U.S.C. §402(e)(1)(B).





in this special provision is more stringent than the definition that workers seeking benefits must meet. To qualify for disability, a worker must prove a demonstrable medical impairment which has lasted or is expected to last 12 months. This impairment must be of such severity that he is both unable to do his previous work, and cannot, considering his age, education and experience, engage in any other kind of substantial gainful work.<sup>49</sup>

In order for a widow to collect benefits based on the work record of the deceased husband due to her disability, she must prove that her physical or mental impairment is at a level of severity which under the Secretary's regulations would preclude her from engaging in any gainful activity.<sup>50</sup> There is no provision for the consideration of other factors, such as her age, education or experience or most importantly her employability. The only factor which counts is her medical condition. A reading of some of the appeals in widows' disability cases shows that one must be almost a vegetable in order to qualify for disabled widows' benefits.

It is worth noting that other than this one provision for

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49. 42 U.S.C. §423(d)(1)(A).

50. 42 U.S.C. §423(d)(2)(B), Reg. §404.328. The difference in disability definition for widows and workers has withstood constitutional attack. (See, e.g., Sullivan v. Weinberger, 493 F2d 855 (5th Cir, 1974) petition for cert. filed Feb. 15, 1975.



disabled widows, the system does absolutely nothing for widows under the age of 60 not caring for eligible children who have spent their lives as homemakers and who are ill-prepared or simply unable to find a job and support themselves. There is a bill in draft that would solve this problem, the problem of the homemaker-worker, and the divorced spouse.<sup>51</sup> This bill would specify that the payments of benefits be on an individual basis instead of a wage earner/dependent basis. Each spouse of a couple with one worker would receive 75% of that wage (equal to the current 150% benefit given to a worker and dependent). Couples with two wage earners would combine their incomes and choose 50% of the total, or 75% of the larger of the two incomes, whichever was higher. Under this proposal, each spouse would be able to build his/her earning record, regardless of changed circumstances, such as divorce or remarriage.

In order to alleviate the discrimination, both statutory and inherent, in the Social Security System, it will be necessary to recognize through the benefit structure the combined roles of the woman as homemaker and wage-earner. By providing coverage for the work that each individual perform, whether in or out of the home, the system may be able to ensure equal benefits to both men and women.

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51. This bill is being drafted by Rep. Donald M. Fraser.



Other Social Security Provisions Having A Special Impact Upon  
Older Women

There are provisions in the Social Security statute which, although they are applicable to both men and women, have a special impact upon women because of their dependent status and/or relative low earnings, in comparison to men, on which Social Security benefits are paid. We shall discuss two of these provisions: (1) the earnings test and (2) statutory presumptions regarding work, earnings records, the basis for benefit payments.

The Earnings Test

The so-called retirement, or excess earnings test, causing individuals otherwise eligible to lose benefits in any given month, can have special impact upon the older dependent woman and on the woman worker. It has impact upon the dependent spouse in that the excess earnings of the retired, working spouse will affect the benefits paid to the dependent spouse, even if the couple is separated. (The divorced wife, entitled to dependent's benefits, however, is not affected by the excess earnings of her former spouse). The working woman is affected by the excess earnings test by virtue of the fact that she generally has received lower wages on which the benefits are calculated during her working life than men, thus receiving lower benefits. She also may, for the same reason, receive some or no pension benefits. She thus may have a greater need for income in excess

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51a. A Social Security recipient under the age of 72 may have earned income not in excess of \$2,520 without losing his/her Social Security benefits. Once this annual amount is exceeded, the individual can lose \$1 in benefits for each \$2 of earnings. Thus, his/her "excess earnings" are only 50% of earnings over \$2,520. 42 U.S.C. §403(f).

51 b. 42 U.S.C. §403(b) .





of that allowed by Social Security.

There have been proposals either to eliminate the so-called retirement or earnings test entirely or to raise the annual amount of money a person can earn without a reduction of his/her Social Security benefits. Consideration should be given to such proposals with a view toward the special needs of the older woman.

Effect of Presence Or Absence of Work Records on the  
Collection of Social Security Benefits by Older Women

Obviously, in order to collect Social Security benefits, there must be some record showing that the individual has worked in covered employment over a specified period of time. The law provides, in general, that an individual cannot correct work records after a period of time consisting of three years, three months, and fifteen days from the close of the year that the worker is seeking to correct, if there is any entry in the records indicating the amount of wages paid an individual for any period in that year by a specific employer.<sup>51c.</sup> Thus, if one does not correct the records before the stated time, he/she is conclusively presumed to have earned the amount as entered in the records.

If, however, an individual seeks to modify the records after that designated time - three years, three months, and fifteen days from the close of the year for which the work record is contested - and there is no entry in the records as to wages alleged to have been paid to an individual during such period by a specific employer, this is presumptive evidence that no wages were paid to such individual by such employer. In other words,

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51c. 42 U.S.C. §405 (c) (4) (B)



the individual may challenge the record to show that she received wages from a particular employer for the period challenged. However, something more than a preponderance of the evidence is required, and this may prove an insurmountable burden for the applicant who may often have only oral evidence to support her claim - this is likely to be found insufficient by an administrative law judge.

These two standards of proof especially affect older women who are concentrated in occupations where the employer makes payment by cash and does not withhold for income tax or Social Security purposes from the employee's wages. This affects women who are employed as domestics, migrant workers (of course, men are included in this category also) and many women who work on an intermittent and/or part-time basis. The statutory requirements regarding the type of evidence necessary to support a claim that an individual had worked for a specific employer for a specific period of time, should specify that oral evidence is admissible to support claims for specific types of employment where payment is normally made in cash.

#### National Policy Concerns of Women and Social Security

In summary to cure that discrimination against women that is facially apparent in the Social Security Act and that discrimination that is inherent in the system, the discrimination against the homemaker, be she spouse or divorced spouse, we suggest that the Federal Council on Aging consider the following National Policy Concerns of Older Women and Social Security:



PROPOSE AND SUPPORT LEGISLATION WHICH WOULD PROVIDE SOCIAL SECURITY BENEFITS TO WOMEN'S DEPENDENTS AS ARE PRESENTLY PROVIDED FOR MEN'S DEPENDENTS:

PROPOSE AND SUPPORT LEGISLATION WHICH WOULD PROVIDE SOCIAL SECURITY BENEFITS TO DIVORCED WIVES REGARDLESS OF AGE WHO ARE CARING FOR A CHILD OF COVERED WAGE EARNER SUCH AS IS PROVIDED TO THE WIFE OF A WAGE EARNER CARING FOR HIS CHILD REGARDLESS OF AGE;

PROPOSE AND SUPPORT LEGISLATION PROVIDING SOCIAL SECURITY COVERAGE FOR HOMEMAKING WORK;

CONSIDERATION BE GIVEN TO PROPOSALS TO ELIMINATE OR ADJUST THE RETIREMENT OR EARNINGS TEST;

PROPOSE AND SUPPORT LEGISLATION TO MAKE ORAL EVIDENCE ADMISSIBLE TO SUPPORT WORK CLAIMS OF INDIVIDUALS FOR SPECIFIC TYPES OF EMPLOYMENT.





WOMEN AS RECIPIENTS OF PENSION BENEFITS  
OTHER THAN SOCIAL SECURITY

Pension benefits, other than social security are available to women in one of two ways, as dependents (generally wives) of eligible workers or as workers entitled to pension benefits of their own.

Pension Benefits for Dependent Women

Here we shall address ourselves to womens' benefits under private pension plans. Also we shall discuss womens' benefits under the civil service and military service retirement plans because a large number of women in this country are wives of career military or federal civil service workers and the plans are unique and present special problems for dependent spouses.

Private Pension Plans

As dependents of workers the threshold problem for women is whether they will be entitled to any pension benefits at all after the death of the vested, retired worker-spouse. Private pension plans do not generally make benefits for the surviving spouse mandatory. In fact, prior to the enactment of the Employee Retirement Security Act of 1974 (ERISA) <sup>52</sup> probably no more than half of all private pension plans even presented the worker with the option of providing benefits after death to his

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Pub. L. No. 93-406, 29 U.S.C. §§ 1001-1381. See National Senior Citizens Law Center, "The New Federal Pension Reform Act," 8 Clearinghouse Review 707 (Feb. , 1975).)



surviving spouse. This Act, for the first time, requires<sup>53</sup> that all pension plans offer joint and survivor benefits. Survivor benefits are automatic unless the worker specifically "opts out" in writing. The law does not provide that the wife consent to or have knowledge of the fact that the husband has "opted out" for a survivors option. Thus the Act does not recognize a wife's interest in her spouse's pension. In community property states an argument can be made that workers' spouses have legal rights with respect to the survivor's option election. In non-community property states there might be difficulties in extending the rights of spouses with respect to survivor pension benefits. Minimally, legislation should be passed which would require notice to the spouse as to whether the worker-spouse has "opted out" of the survivor benefits plan. Another problem for surviving widows is the requirement of some pension plans that the worker live at least two years after making an election in favor of his survivors.

The most serious problem, however, is the fact that the election of survivor benefits usually results in a greatly reduced benefit for the couple. This is because it is more expensive to purchase annuity benefits for a couple rather than for one person. Unless the couple has a generous retirement income, it may be difficult or financially impossible for them to live on the reduced benefit that results from the election of the survivor's option. This provides a powerful and most unfortunate disincentive for workers to elect survivor benefits. The Social Security system provides a higher benefit during the lifetime of the couple and

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53.

29 U.S.C. § 1055.



and a reduced benefit to the spouse of the deceased worker, the opposite of the private pension plan.

Separate situations of concern involve wives who are divorced or whose worker husbands die before reaching retirement age. In the case of divorce, a wife in non-community property states generally has no right to pension benefits earned by the husband during marriage. Even in community property states, there is much confusion in the law concerning the rights of a divorced, non-worker spouse in pension benefits resulting from the work of the other spouse during marriage.<sup>54</sup> In California, for instance, the court decisions have restricted the entitlement of wives who are divorced before the husband's pension is fully vested.<sup>55</sup> Thus a wife of many years will have no interest in the pension itself if it has not vested, though she may be entitled to a settlement of half of all contributions actually made to the plan by the worker during marriage which, ordinarily, is of much less value than the actual pension benefit.<sup>56</sup> Private pension plans still make no substantial provision for benefits for the widow whose husband dies before reaching retirement age, and this is true even if the pension is fully vested.

54.

See "Valuation of Retirement Benefits in Marriage Dissolutions," 5:6 Los Angeles County Bar Bulletin (April, 1975).

55.

Vesting refers to the number of years an individual must work before becoming entitled to pension benefits. In the past many plans required 20 or more years of work before benefits were vested. Under ERISA a maximum of 15 years for full vesting is imposed on all plans. 29 U.S.C. §1053.

56.

Smith v. Lewis, 13 C.3rd 349 (1973). See the discussion in the amicus curiae brief filed by the Womens' Research Center and the Womens' Rights Unit of the San Francisco Neighborhood Legal Assistance Foundation in Wilson v. Wilson, No. SF 23030, Cal. Supreme Court. See also "Retirement Pay: A Divorce in Time Saved Mine," 24 Hastings L.J. 347 (Jan., 1973).





Federal Civil Service Retirement Plan

The federal civil service has its own retirement system, which, unlike most private pension plans in the country, entirely<sup>57</sup> replaces Social Security benefits. This is of particular concern because the spouses of federal civil servants are deprived of even those minimal protections afforded them under the Social Security system.

The provision for survivor benefits under the federal civil service retirement plan is different from both Social Security and most private pension plans. Unlike Social Security, survivor benefits are not automatic and assured. Like the law governing private plans, the federal civil service retirement plan specifies that survivor benefits are automatic unless the worker-spouse<sup>58</sup> specifically requests the contrary in writing. While the requirement for affirmative action to "opt out" of a plan providing for survivor benefits rather than to elect survivor benefits is more protective of the wife, the fact remains the only action required is that of the worker-spouse. A possible incentive to "opt out" of the plan is provided by the increased couple's benefits during the lifetimes of the spouses. Like the private pension plans and unlike Social Security, there is a provision for survivor benefits, the couple's benefits are reduced during the<sup>59</sup> lifetimes of the spouses.

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57.  
5 U.S.C. §§8331-8348.

58.  
5 U.S.C. §8341.

59.  
5 U.S.C. §8339(i).



Furthermore the divorced wife of a federal civil service worker has no rights whatsoever in his retirement income whether or not the divorce occurs before or after the retirement of the worker-spouse. If the divorce takes place during the worker's retirement and he/she has not opted out of the plan, his annuity will increase to that of a single annuitant. If he remarries, after death or divorce of a former spouse, his new spouse is automatically substituted for the divorced or deceased spouse as the survivor eligible for benefits.<sup>60</sup>

Thus widows of retired employees who have "opted out" of the retirement plan providing for survivor benefits and divorced wives have no protection under the federal civil service retirement plan, nor do they have minimal protections of Social Security for federal employees are not covered by Social Security. (A widow and a divorced wife who had been married for 20 years to the same spouse would receive 50% of the worker-spouse's entitlement.) Legislation has been introduced to extend Social Security coverage to federal employees. However, the bulk of this legislation makes such coverage entirely voluntary by the employee. He must elect coverage. Legislation should be enacted either to mandate coverage of federal employees by Social Security or to amend the federal civil service retirement plan to afford wives, widows and divorced wives the same minimal protections as exist under Social Security. In addition legislation should be enacted requiring notice to the spouse if the worker-spouse has opted out of the retirement plan providing automatic survivor's benefits.

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60.

P.L. 93-474; 88 Stat. 1438.



Military Service Retirement Plans

The dependent wives of military personnel are in a better position upon divorce or widowhood than dependent wives of federal employees. First, military personnel are covered by Social Security and thus wives, widows and divorced wives have minimal protection.<sup>61</sup> Second, although the military survivor benefits plan has the same type of automatic provision for survivor benefits as does the federal civil service retirement plan, that is, military personnel are required to "opt out" rather than to affirmatively elect survivor benefits, notification to the spouse that the worker-spouse has "opted out" is required. Such an election is irrevocable.<sup>62</sup> Third, like the federal civil service employee, military personnel may find a possible incentive to "opt out" to avoid reduced couple's benefits;<sup>63</sup> however, surviving spouses (but not divorced spouses) of career servicemen are entitled to a minimum income of \$2,100.00 per year regardless of the other spouse's decision.<sup>64</sup>

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61.

42 U.S.C. §410(1)1.

62.

10 U.S.C. §§ 1447-1455 at §1448(a). In 1972 this section was changed to provide for "opting out" of the plan that provided automatic survivor benefits rather than to elect survivor benefits as was the provision prior to 1972. It was found that less than 15% of all military retirees had elected survivor benefits. Sen. Rep. No. 92-1089, 1972 U.S. Code Cong. and Adm. News, p. 3288.

63.

10 U.S.C. § 1452.

64.

Pub. L. No. 92-425 § 4, 10 U.S.C. § 1448n.





Divorced wives of military personnel, like divorced wives of federal employees, have no claim on a spouse's retirement benefits, though if married for 20 years to her spouse, she collects Social Security benefits. One other aspect of the military survivor benefit plan deserves attention. The plan requires a reduction of the surviving spouse's annuity by the amount of Social Security benefits attributable to the military service.<sup>65</sup> However, the retirement benefit received by the couple prior to the death of the serviceman spouse is not reduced by Social Security benefits. It is logical to deduct other widow's benefits payable to her in the event of the serviceman's death from her survivor benefits, benefits that the serviceman does not share, but the deduction of the Social Security benefit does not have the same logic. Legislation should be enacted to permit the surviving spouse to receive both military retirement and Social Security benefits.

#### Pension Benefits for Women Workers

As workers, women at retirement age are often ineligible for pension benefits or eligible for lower benefits than men. This results, in part, from restrictive eligibility provisions of pension plans. For example, requiring full-time and/or continuous employment for a substantial number of years as a predicate to the vesting of a plan denies benefits to women whose domestic responsibilities require that they work part-time, who leave the labor force for a few years for child raising, or who change jobs

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65.  
10 U.S.C. §1451(a).



to accommodate their spouses' careers. These restrictions will be partially eliminated by ERISA which requires that permanent part-time workers who work at least 50% of full-time must be included in pension plans,<sup>66</sup> and further provides that breaks in service will not obliterate prior years of work unless the break is longer than one year and is also longer than the number of years worked before the break.<sup>67</sup> In addition, the new fifteen-year maximum vesting requirement should help some women workers.<sup>68</sup> Nevertheless, many women who have worked a substantial portion of their lives at various jobs will continue to be ineligible for benefits by failing to meet vesting requirements in a single plan.

Another major problem confronted by women as workers is that their pension benefits are often low, reflecting lifetime employment discrimination where women are placed and kept in low-paying jobs. The size of pension benefits bears a direct relation to the amount of salary earned by a worker. To the extent women are forced to remain in low-paying jobs and denied promotions, their pension benefits will be correspondingly small. However, women with identical earnings and contributions to the pension plan as men may receive less money per month in pension benefits than men.

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66. 29 U.S.C. §§202(a)(1)(A)(ii), 202(a)(2)(A).

67. 29 U.S.C. §1052.

68. 29 U.S.C. §1053.



This results from the use of sex-based, actuarial life expectancy tables showing that women as a group live longer than men as a group. Thus those companies offering the pension plans conclude that the total accumulation of pension benefits for women as a group must last longer than the total accumulation of men as a group, resulting in lower monthly retirement benefits for the individual woman than the individual man.

Another result of the use of sex-differentiated, actuarial tables by company pension plans may be to afford women the same monthly benefits as men but to require women workers to make higher contributions to the pension plan (in those plans requiring worker contributions). The reasoning is that since women as a group collect more (due to longer group life span) than men as a group, they should pay more.

Both practices, paying lower benefits to women and requiring higher contributions from women, have been held to violate Title VII of the Civil Rights Act of 1964, which forbids both discrimination against an individual as to "compensation, terms, conditions, or privileges of employment" and classification on the basis of sex (or other) factors where the individual's employment opportunities or job status is adversely affected.<sup>69</sup> These practices also contravene the Equal Employment Opportunity Commission's Guidelines on Discrimination Because of Sex which prohibit discrimination on the basis of sex in regard to fringe benefits including pension plans.<sup>70</sup> The Guidelines also specify that the

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69.

42 U.S.C. §2000e-2(a)(1), (2). See infra n. 72, 73.

70.

29 C.F.R. §1604.9.





greater cost of providing fringe benefits with respect to one sex<sup>71</sup> is not a defense to discrimination on the basis of sex. Thus under Title VII and the EEOC guidelines women's and men's contributions to the pension fund must be equal and they must receive equal benefits. If providing equal benefits to women costs an employer more, he must bear that cost.

The EEOC has held an employer in violation of Title VII and the Guidelines for subscribing to a pension plan which would provide women employees with smaller monthly benefits than men<sup>72</sup> when they made equal contributions. A California court granted an injunction against the City of Los Angeles Department of Water and Power on the same basis in a case where women were required<sup>73</sup> to contribute more for the pension plan than men. Both the Commission and the Court concluded that applying actuarial statistics on longevity for females as a group to individual females, who may or may not outlive individual male employees, was discriminatory.

A number of complaints have been filed with EEOC on this issue. These include a complaint filed by the Women's Equity Action League (WEAL) in May of 1974 against 2,178 educational institutions subscribing to the Teachers Insurance and Annuity

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71. 29 C.F.R. §1604.9(e), (f).

72. Decision No. 74-118, CCH EEOC Decisions ¶6431 (Employment Practices Guide, 1974).

73. *Manhart v. Los Angeles*, 387 F.Supp. 980 (C.D.Cal. 1975).



Association - College Retirement Equities Fund (TIAA-CREF) which provides smaller monthly payments to female members than to male members upon retirement at the same age even though each has made equal contributions for a number of years.

Complaints have been filed by the American Nurses Association (ANA) on behalf of named individuals against specific universities having the TIAA-CREF pension plan on this identical issue.

Although the California Court has ruled practices which differentiate on the basis of sex violative of Title VII and the EEOC has ruled them violative of Title VII, the Department of Labor does not view these practices by employers in violation of the proscription against sex discrimination in the Equal Pay Act of 1963. The regulations interpreting this Act regarding fringe benefits provide that employers must provide either equal benefits or equal contributions to be within the law. Under this interpretation women could be required to contribute more per month than men with equal earnings if their benefits are the same or they could receive smaller monthly benefits for the same contributions as men. Because of the different interpretations of EEOC and the Department of Labor the President has asked the Equal Employment Opportunity Coordinating Council to recommend a uniform

74.

See Release of WEAL, Women's Equity Action League, "Educational Institutions Charged With Discriminatory Retirement Benefits," May 23, 1973 (mimeographed).

75.

ANA on behalf of Virginia F. Gower against the University of North Carolina, No. TCT 31-091, filed June 1, 1973; ANA on behalf of Virginia Klenard against Wayne State University, No. T DT 3-4073, filed February 27, 1973; ANA on behalf of Rozella Schlotfeldt against Case-Western Reserve University, filed on February 27, 1973; ANA on behalf of Ada Jacox against University of Iowa, No. T-KC3-1593, filed August 1, 1973. These cases are presently in the administrative determination state at EEOC.

76.

29 U.S.C. §206(d)(1).

77.

29 C.F.R. §800.116(d).



78  
federal policy on pension benefits by October 15, 1976.

It should be noted that the Court in the Manhart decision stated that the Labor Department interpretation allowing equal contri-  
79  
butions or equal benefits violated the Equal Pay Act of 1963.

However, even if the federal government adopts the EEOC interpretation of sex discrimination in pensions, if employers have to pay more for pension benefits for women than for men, this is discrimination against women. The use of sex-based actuarial tables has been held "suspect" by the Manhart court and the EEOC.

Maintaining that sex-based actuarial tables are discriminatory, many recommend their elimination and the substitution of "unisex"  
80  
tables averaging in the life expectancies of men and women.

The Womens' Equity Action League argues that, although women as a group live longer than men as a group, there is a considerable overlap between these groups in terms of life spans. They cite a study that shows that approximatively 68% of men and women live for the same periods of time. However 16% of the men die before this group and 16% of the women live longer than the group. If an employer subscribes to a pension plan using sex-based actuarial tables, the men in the overlap group benefit from the early death of the men who die younger while the women in the overlap group

78.

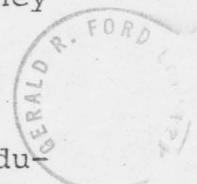
Statement of Dr. Bernice Sandler, Executive Associate and Director, Project of the Status and Education of Women, Association of American Colleges, Washington, D.C. on "Women and Unequal Pensions" before the Citizens Advisory Council on the Status of Women, meeting of September 11, 1975 (mimeographed). The Equal Employment Opportunity Coordinating Council consists of the Secretary of Labor, Chairman of the Equal Employment Opportunity Commission, the Attorney General, Chairman of the Civil Rights Commission.

79.

387 F. Supp. 980 at 984 (dicta).

80.

See e.g., Testimony of Dr. Norma K. Raffel, Head, Higher Education Committee, Womens' Equity Action League (WEAL) on Retirement Benefits, submitted to the Department of Labor, September 9, 1974. (typewritten).





bear the cost of the women who live longer. Given these figures, it is proposed that the risk should be spread over the entire group of men and women. A further reason given in support of the "unisex" table is the fact that there are many factors in addition to sex which indicate differentials in life expectancy such as race, health conditions, and health practices. Thus reliance upon sex is not legitimate as a classification basis for life expectancy tables. Serious consideration should be given to the elimination of sex-based actuarial tables and the adoption of "unisex" life expectancy tables for pension benefit purposes both on the basis of fact and law.

National Policy Concerns Of Women As Recipients Of Pension Benefits  
Other Than Social Security

Pension reform to end discrimination against the woman as a dependent and the woman worker is complex and deserving of careful consideration. However, to correct the obviously discriminatory aspects of private and the specified government pension plans to dependent and working women we suggest that the Federal Council on Aging consider the following National Policy Concerns of Older Women As Recipients of Pension Benefits Other Than Social Security:

PROPOSE AND SUPPORT LEGISLATION TO REQUIRE PRIVATE PENSION PLANS TO PROVIDE NOTICE TO SPOUSE IF WORKER-SPOUSE HAS "OPTED OUT" OF THE PLAN PROVIDING AUTOMATIC SURVIVOR BENEFITS;

PROPOSE AND SUPPORT LEGISLATION TO REQUIRE THE FEDERAL CIVIL SERVICE RETIREMENT PLAN TO PROVIDE NOTICE TO SPOUSE IF WORKER-SPOUSE HAS "OPTED OUT" OF THE PLAN PROVIDING AUTOMATIC SURVIVOR BENEFITS;

PROPOSE AND SUPPORT LEGISLATION TO AFFORD THE WIDOW AND DIVORCED WIFE OF FEDERAL EMPLOYEES MINIMAL PROTECTIONS OF SOCIAL SECURITY;

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81.

Id. at 3.



PROPOSE AND SUPPORT LEGISLATION TO PERMIT THE SURVIVING SPOUSE OF CAREER MILITARY SERVICE PERSONS TO RECEIVE BOTH SOCIAL SECURITY AND RETIREMENT SURVIVOR BENEFITS;

CONSIDERATION OF ELIMINATION OF SEX-BASED ACTUARIAL LIFE EXPECTANCY TABLES AND SUBSTITUTION OF "UNISEX" TABLES FOR PENSION BENEFIT PURPOSES.

Other Significant Legal Problems Affecting The Older Woman

Supplemental Security Income Program

Due to the lack or inadequacy of other retirement benefits, many older people - especially women - find themselves forced to live on income provided pursuant to the Supplemental Security Income (SSI) program.<sup>82</sup> The minimum monthly grant for an individual is \$157.70 - certainly only a bare subsistence level. Three examples of the special impact of SSI on older women will illustrate the need for closer examination of the system.

SSI Six-Month Rule Discrimination Against Older Women

<sup>83</sup>  
The SSI "six-month rule" provides that a married individual, separated from his/her spouse, will continue to be treated as married for purposes of SSI benefits until he/she has been living apart from the spouse for more than six months. This means that each spouse will receive only one half of the couple's payment (which is less than two individual payments) rather than each receiving a full individual payment (even though he/she is actually living alone) until six full months after their separation.<sup>84</sup> The only exception to this six-month rule is the termination of the marriage

<sup>82</sup>.

42 U.S.C. §1381.

<sup>83</sup>.

42 U.S.C. §1382c(b).

<sup>84</sup>.

20 C.F.R. §416.1001(a).



by death, divorce, annulment or when one spouse begins living with another party and they hold themselves out as husband and wife.<sup>85</sup> Furthermore, a recipient's income includes the income of his or her eligible spouse.<sup>86</sup> Thus the couple's grant is reduced by the spouse's income before it is divided in half and paid to each separated spouse.<sup>87</sup> For example, if a husband has a \$200 per month pension benefit, the couple's SSI grant is \$56.60. Husband and wife each receive a monthly check of \$28.30. If they separate and he refuses to provide her with part of his \$200 pension, she is left to live on \$28.30 per month for a full six-month period! Thus the six-month rule may operate to reduce aid below the the level needed for subsistence or to terminate or deny it entirely despite the need of the separated spouse. This is particularly a problem of the older woman for the male spouse is more likely to have resources and income other than that provided by SSI benefits such as Social Security and/or veteran's benefits.

Effect of Reduction of SSI Benefits on the Institutionalized Older Woman

The law provides a reduction in SSI benefits when an older person is institutionalized throughout any calendar month in any public and most private hospitals, extended-care facilities, nursing homes or intermediate-care facilities. The payment is limited to \$25 per month.<sup>88</sup> This reduction of SSI benefits can have ex-

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85. 20 C.F.R. §416.1040.

86. 42 U.S.C. §1382(a)(2)(A).

87. 42 U.S.C. 1382(a)(2)(B).

88. 42 U.S.C. §1382(e)(1)(B)(1).





tremely deleterious effects on those older persons institutionalized for only short periods of time. These effects may be especially significant for older women who tend to live alone. One possible effect is that the woman is unable to maintain rental or mortgage payments and loses her residence, thus leading to long-term institutionalization. Another possible effect, if the woman owns her own home, is the risk that the house be found a "countable" rather than an "exempt" resource, because she no longer "resides" in it, with the result that she may lose her SSI eligibility and medicaid benefits which are tied to her SSI eligibility, or be forced to sell the house.

Ineligibility of Under 65, Economically Dependent Wives for SSI Benefits

Another critical deficiency of the SSI program affecting the older woman lies in its failure to recognize the needs of an ineligible spouse of an eligible individual. The most typical situation is this: Wives are traditionally somewhat younger than their husbands. So, when a husband turns 65, and faces mandatory retirement or inability to compete with younger workers, and is dependent upon SSI, he will receive a grant of \$157.70 per month. But this grant is only for his needs. His wife, who is typically somewhat younger than he is, is therefore ineligible. The couple's grant of \$236.60 will not be paid until she also reaches 65. Also typical is the fact that she has been economically dependent upon him for a lifetime. Because of such dependency she is unable to then enter the labor market. Yet, that dependency is not recognized in the SSI program. Both husband and wife must live on \$157.70 until she reaches 65.



The adult public assistance programs which preceded SSI did recognize this reality in what was called the "essential person" doctrine. The doctrine allowed the states to increase the grant of the eligible husband (more precisely, the grant of the eligible individual, husband or wife) so that her needs would be met by a higher grant to him/her. The old state programs did allow for this critical need, a need which exists because of the consequences of a woman's role in the family and in society. The SSI program should be modified to do no less than the states did because hundreds of thousands of couples are in this predicament.

The SSI program has been in existence since 1974 and various studies of the system are presently being undertaken by the Social Security Administration and numerous congressional committees. At this juncture we would only point out that special efforts should be made to examine the impact of the program on the lives of the nation's poor elderly women. Legislation should also be proposed and supported to rectify particular weaknesses in the SSI program affecting the older woman.

Selected Legal Issues Which May Have Special Impact  
On The Older Woman

All legal issues of concern to the elderly in general may have special implications for older women because of their acute, and widespread poverty. We have not had an opportunity to extensively review all of these issues but would offer the following selected examples for consideration and investigation:

- (1) Since a large percentage of older women live alone,



they may be more subject to state involuntary commitment and guardianship proceedings than men. This possibility is underscored by the traditional view of women as dependents, unable to manage their own affairs. Procedures pursuant to which guardianships are declared or persons are involuntarily committed to institutions should be carefully reviewed to ascertain whether they provide the basic safeguards of due process. Many states still do not provide a right to counsel, actual notice of the proceedings or requirement of the physical presence of the person involved at the proceedings.<sup>89</sup>

A similar problem exists regarding the appointment of a representative payee for persons who are determined incapable of managing their Social Security and SSI benefits in their own interest. Under both the Social Security and SSI statutes and regulations thereto,<sup>90</sup> the Secretary of the Department of Health, Education, and Welfare is given the responsibility for the appointment of the representative payee. There is no statutory standard for determining what constitutes being incapable of managing the benefits. Fewer protections exist under these statutes and regulations than do under state guardian and conservatorship laws. There is no hearing prior to the appointment of a representative payee. A representative payee can be appointed merely on the affidavit of a doctor. Only after a representative payee has

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89.

Unpublished article by Peter M. Horstman, Staff Attorney, NSCLC to be published in Fall, 1975 U. Mo. L. Rev.

90.

42 U.S.C. §405; 20 C.F.R. §404.1601-1610; 42 U.S.C. §1383(a)(2); 20 C.F.R. §416.601-690.





been appointed is there provision for a hearing.

(2) Many women who live alone and who have not been involved in business dealings may be especially vulnerable to specific types of fraudulent practices directed toward the consumer. Such practices include door-to-door solicitation for hearing aids, pre-need burial plans, and home-improvement repairs.

(3) The upper limit of the Age Discrimination In Employment Act of 1967 is 65 and unfair to both male and female individuals who wish to augment their often meager retirement and/or dependent's pensions. This limit may be especially unfair to women who have been in and out of the work force due to family obligations. Women are placed in a particular disadvantage due to the age limitation of 65. On the one hand, they may receive lower pensions due to longer life expectancies; on the other, the shorter life expectancies of men appear to dictate retirement ages for women.

(5) Discrimination in the extension of credit is particularly directed toward the elderly and, in particular, to the older woman. Male attitudes regarding women's inability to manage their own affairs particularly dominate credit institutions. The widowed and divorced spouse often cannot obtain credit even though they are creditworthy.

(6) Male and female attitudes towards "women's liberation" must not be allowed to be used as a spiteful club by courts and legislatures against older women who have been victims of the traditional system of dependency and discrimination. Regarding divorce and property rights, it is unrealistic for courts and/or legislatures, through divorce decrees or divorce and other pro-



perty laws, to deprive an older woman who has been married and a homemaker and mother for a long duration of time of the economic support of her former spouse, and thus thrust her out in the world to make her way alone.

We have cited the impact of certain SSI statutes as well as selected legal problems having particular impact upon the older woman. Both the SSI program and these problems deserve more in-depth attention. We suggest that the Federal Council on Aging consider the following National Policy Concerns of Older Women regarding these varied significant problems:

INTENSIVE STUDY OF THE SUPPLEMENTAL SECURITY INCOME PROGRAM AND ITS SPECIAL IMPACT UPON THE POOR, OLDER WOMAN;

REVIEW OF LEGAL ISSUES AFFECTING THE ELDERLY WITH A PRIMARY FOCUS ON ISSUES OF SPECIAL CONCERN TO THE OLDER WOMAN; PROPOSAL AND SUPPORT OF LEGISLATION TO REMEDY DISCRIMINATORY LEGAL TREATMENT OF THE OLDER WOMAN;

PROPOSE AND SUPPORT LEGISLATION TO ELIMINATE THE UPPER AGE LIMIT OF 65 YEARS FROM THE AGE DISCRIMINATION ACT OF 1967.

#### CONCLUSION

The legal problems peculiar to the older woman are severe. And, as we have stated, they affect large numbers of people. We have shown that the projected percentage of women in the age group 45 to 54 years for 1990 is 58.3 -- the largest single age group of women in the labor force. In the age group 55 to 64 years, the projection for that year is 46.1 percent. Furthermore, more than 50% of all single women above the age of 65 live at or below the poverty level. Yet discrimination against the older woman is pervasive. Also the types of discrimination are interrelated, one reflective of the other. The result is both the economic dependency of the older woman and the economic discrimination against the older woman.



If a woman has not worked in the traditional sense or has performed a homemaking role for her spouse, she is treated by the Social Security system as a dependent of her spouse. If the worker-spouse participates in a pension plan, again she is completely dependent on his sole decision not to "opt out" of retirement benefits. Although it is expected that the majority of older women are protected by the minimal coverages of the Social Security system, some, namely the spouses of workers covered by the federal civil service retirement system are not. Thus the dependent widow or divorced wife of the federal employee who has "opted out" of a survivor benefit plan and who has no other resources is forced to depend upon SSI benefits for minimal subsistence. Also if the dependent wife is separated from her husband and her husband's earnings exceed the retirement test, her benefits are decreased. Furthermore, the dependent, but separated, spouse who has been receiving SSI benefits must survive on one half of a couple's benefit until she qualifies for a monetarily greater individual's benefit after six months of separation.

If an older woman chooses or is forced to work, her choices are limited because of her age, class, sex. Despite laws which prohibit employment discrimination on the basis of sex, these laws are difficult to enforce. Furthermore, there is some evidence that existing federal programs designed to train and place unemployed or underemployed persons, of which older women are a group, are discriminatory in regard to women in general; and thus it may be concluded they are discriminatory regarding older women





as a group. Part-time jobs are scarce, primarily low-paid, and without fringe benefits. The older woman is, of course, covered by Social Security if she is working. However, she may have difficulty proving that she has worked in covered employment. If married, she does not receive the benefits from her work unless they equal or exceed her spouse's earnings. If the woman worker's income is less than her spouse's or almost equal to her spouse's, her contribution as a worker is ignored by Social Security coverage; if her income is more than that of her spouse, Social Security ignores her contribution as a homemaker.

The working woman may or may not be entitled to pension benefits as a worker. Intermittent employment, part-time employment or a series of different jobs may make her ineligible for pension benefits. The same factors as well as low-paying jobs may make her eligible for low pension benefits. However, even when she is entitled to pension benefits, in plans where workers make a contribution, she may be forced to contribute more than men for the same benefits or receive smaller benefits for the same contributions as men.

Although we have made specific recommendations regarding national policy concerns in regard to employment discrimination, Social Security retirement benefits other than Social Security, SSI, and other legal issues having impact on the older woman, let us now single out those national policy concerns in these areas that would most effectively attack these interrelated problems. Thus we recommend that the Federal Council on the Aging consider the following national policy concerns regarding the legal problems of the older woman;



VIGOROUS ENFORCEMENT OF EMPLOYMENT AGE/SEX DISCRIMINATION LAWS BY THE APPROPRIATE AGENCY;

IDENTIFICATION OF OLDER WOMEN AS A TARGET GROUP FOR GOVERNMENTAL PROGRAMS FOR THE TRAINING AND PLACEMENT OF OLDER WOMEN, BOTH THE ECONOMICALLY DISADVANTAGED AS WELL AS THE "DISPLACED HOMEMAKER;"

ESTABLISH A NATIONAL POLICY CONCERNING PART-TIME EMPLOYMENT WHICH WOULD ENCOURAGE PART-TIME JOBS ON ALL LEVELS IN THE PUBLIC AND PRIVATE SECTORS;

PROPOSE AND SUPPORT LEGISLATION PROVIDING SOCIAL SECURITY COVERAGE FOR HOMEMAKING WORK;

PROPOSE AND SUPPORT LEGISLATION REQUIRING PRIVATE AND PUBLIC PENSION PLANS TO PROVIDE NOTICE TO THE SPOUSE AS TO WHETHER OR NOT SURVIVOR BENEFITS HAVE BEEN ELECTED BY THE WORKER-SPOUSE;

CONSIDERATION OF ELIMINATION OF SEX-BASED ACTUARIAL LIFE EXPECTANCY TABLES AND SUBSTITUTION OF "UNISEX" TABLES FOR PENSION BENEFIT PURPOSES;

INTENSIVE STUDY OF THE SUPPLEMENTAL SECURITY INCOME PROGRAM AND ITS SPECIAL IMPACT UPON THE POOR, OLDER WOMAN;

REVIEW OF LEGAL ISSUES AFFECTING THE ELDERLY WITH A PRIMARY FOCUS ON ISSUES OF SPECIAL CONCERN TO THE OLDER WOMAN; PROPOSAL AND SUPPORT OF LEGISLATION TO REMEDY DISCRIMINATORY LEGAL TREATMENT OF THE OLDER WOMAN;

PROPOSE AND SUPPORT LEGISLATION TO ELIMINATE THE UPPER AGE LIMIT OF 65 YEARS FROM THE AGE DISCRIMINATION ACT OF 1967.

To conclude, the magnitude and severity of the problem is clear. Yet, what is being done for the older woman? No one seems to be aware of or focus upon her problems. Are we as a society prepared to end a woman's productive life at 40 plus, and relegate her to 40 plus years of poverty? We urge the Federal Council on Aging to adopt as a specific focus the problems of older women, not just in this International Women's Year but in all future years.



*gah*

*November 1, 1975*

EXECUTIVE

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*15*

# PLANNING HANDBOOK

## transportation services for the elderly

PREPARED FOR

THE ADMINISTRATION ON AGING  
WASHINGTON, D.C. 20201

BY

THE INSTITUTE OF PUBLIC ADMINISTRATION  
WASHINGTON, D.C.

NOVEMBER 1975

DHEW PUBLICATION No. (OHD) 76-20280

*Filed Oversize Attachment # 7827*





EXECUTIVE

PR10  
WES

November 10, 1975

MEMORANDUM FOR: DOUG BENNETT

FROM: TED MARRS

SUBJECT: Elderly Candidates for Boards, Councils  
and Commissions

Attached is a list of outstanding elderly people from several states whom you should consider for assignment to committees, councils and advisory groups. Those with a red check I would particularly endorse as energetic and effective. I do not know their political affiliations.

Attachment

VHS:nam



EXECUTIVE

WE10-4

WE5

November 14, 1975

Dear Senator:

Thank you for the November 13 letter to the President in which you joined with 49 of your colleagues to comment on the three alternative food stamp allotment plans proposed by the Department of Agriculture.

I know the President will appreciate having your analysis of these proposals and I shall make certain he receives them at the earliest opportunity.

With kind regards,

Sincerely,

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Clifford P. Hansen  
United States Senate  
Washington, D. C. 20510

bcc: w/incoming to James Cannon for further handling  
bcc: w/incoming to Max Friedersdorf-FYI

WTK:VO:emu



EXECUTIVE

WES

FC 23-9-1

ST28

THE WHITE HOUSE

WASHINGTON

November 19, 1975

Dear Governor O'Callaghan:

Thank you for your telegram of November 3, expressing your concern about HEW's letter to you on Nevada's 1976 State Plan on Aging.

I am pleased to tell you that Commissioner Flemming is planning to attend the scheduled hearing in Carson City on November 14, 1975. I am sure that this meeting will be a productive one.

If I can of any further help, please do not hesitate to contact me.

Sincerely,

James H. Falk  
Associate Director  
Domestic Council

The Honorable Mike O'Callaghan  
Governor of Nevada  
Carson City, Nevada 89701



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CENTRAL FILES



The White House  
Washington

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PMS HONORABLE JAMES H FALK, ASSOCIATE DIRECTOR, DOMESTIC COUNCIL  
, DLR

WHITE HOUSE 1600 PENNSYLVANIA AVE

WASHINGTON DC 20500

BOTH A LETTER (RECEIVED OCTOBER 28 1975) AND A TELEGRAM (RECEIVED  
NOVEMBER 3 1975) FROM ARTHUR S FLEMING, COMMISSIONER ON AGING, OLD  
DEPARTMENT OF HEW, RELATIVE TO NEVADA'S SUBMISSION OF ITS FISCAL  
YEAR 1976 STATE PLAN ON AGING IS OF A GRAVE MATTER TO ME.

COMMISSIONER FLEMING'S LETTER (DATED OCTOBER 23 1975) DISAPPROVES  
NEVADA'S PLAN, WITHOUT FIRST AFFORDING THE STATE REASONABLE NOTICE  
AND OPPORTUNITY FOR A HEARING UNDER SECTION 305 (C) PL93-29.

THE SUPPORT OF US SENATOR PAUL LAXALT, CONGRESSMAN JAMES SANTINI,  
THE ADVISORY COMMITTEE TO THE STATE DIVISION OF AGING SERVICES, THE  
NEVADA DEPARTMENT OF HUMAN RESOURCES AND NUMEROUS STATE LAWMAKERS.  
THANK YOU FOR YOUR ATTENTION TO THIS CRITICAL MATTER.

MIKE OCALLAGHAN GOVERNOR OF NEVADA

NNNN



EXECUTIVE

503

4055

WE5

THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

PRIVATE DINNER FOR REPRESENTATIVES  
OF THE SENIOR CITIZENS COMMUNITY

November 20, 1975  
7:00 p.m.

Dress: Business Suit

Arrival:

-- 7:00 p.m. ... Your guests will arrive through the Diplomatic Reception Room and will be escorted on a tour of the White House by Mike Farrell.

-- 7:20 p.m. ... Your guests will be escorted to the Red Room for cocktails.

-- 7:25 p.m. ... You and Mrs. Ford will be escorted via elevator to the Red Room where you will join your guests for cocktails.

Dinner:

-- Rectangular table

-- 7:30 p.m. ... You will escort your guests to the First Floor Family Dining Room for dinner.

NOTE: There will be a press photo opportunity once you and your guests have been seated.

NOTE: You will deliver grace before dinner is served.

Departure:

-- You and Mrs. Ford will escort your guests to the Grand Hall and bid them farewell. You may then wish to return to the Family Quarters.

*Morris, James*

*Robinson, George*

*Ack, Flora*

*Kinthrop, Frances*

*Swain, Oualie*

*Killmore, Charlotte*

*Mowrey, Berna*

*Morrison, Felix*

*Corbett, Patricia*

*Bareky, Lillian*

*Casgrain, Ardoin*

*Parisi, Raymond*

*Ferris, Nadia*

*Williams Betty*

*No Greater Love*



NOV 22 1975  
CENTRAL FILES

November 22, 1975

EXECUTIVE

FA3

WE1

WE8

WES

MEMORANDUM FOR:

JERRY JONES

FROM:

TERRY O'DONNELL

SUBJECT:

HANDICAPPED BILL AND  
OLDER AMERICANS BILL

Jerry, the net impact of the President vetoing both the Education for Handicapped Children Act and Older Americans Act is obviously quite harmful politically. Nevertheless, the President has said repeatedly that he will continue to veto each and every financially irresponsible act of Congress and these two obviously fall in this category.

I propose a task force made up of you, Jim Cavanaugh, Paul O'Neill, Ron Nessen and Dick Cheney, if he has the time to attend, to study specifically how we are going to handle these two pieces of legislation. We are going to have to be smart and persuasive or we are going to get killed.

I would envision the need of a specific plan of attack. Included would be letters to all of the leaders of the handicapped organizations, and all the leaders of the elderly American organizations explaining in detail the President's position, press briefing, fact sheets, perhaps an editorial or two, backgrounders from members of the press and other tactics as required.

I do not look forward to the New York (Daily) News headline: "President Vetos Older Americans".



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NOV 24 1975

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EXECUTIVE

*WES*  
*FG 23*

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1173

THE WHITE HOUSE

WASHINGTON

November 24, 1975

MEMORANDUM FOR: JIM CANNON

FROM: MAX FRIEDERSDORF *M.F.*

SUBJECT: Older Americans Act

Rep. John Rhodes<sup>x</sup> recommends a White House signing ceremony for the Older Americans Act. The Conference Report has passed both Houses and will be before the President soon.

We opposed the bill but Secretary Matthews may recommend it be signed.

If it is signed, Rhodes wants a ceremony.

cc: Jack Marsh



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NOV 26 1975  
CENTRAL FILES

EXECUTIVE

WES  
12 22

THE WHITE HOUSE

WASHINGTON

November 24, 1975

MEMORANDUM FOR:

JIM CANNON

FROM:

MAX FRIEDERDORF

SUBJECT:

Older Americans Act

Rep. John Rhodes recommends a White House signing ceremony for the Older Americans Act. The Conference Report has passed both Houses and will be before the President soon.

We opposed the bill but Secretary Matthews may recommend it be signed.

If it is signed, Rhodes wants a ceremony.

cc: Jack Marsh

975 NOV 24 AM 11 57

EXECUTIVE

WES

PR 7

November 26, 1975

MEMORANDUM FOR: JUDY JOHNSTON

THROUGH: THEODORE C. MARRS

FROM: PATRICIA LINDH

SUBJECT: Proposed Signing Ceremony  
for H.R. 3299, Older American  
Amendments of 1975

It is my understanding that H.R. 3299 is awaiting the President's signature prior to the China visit.

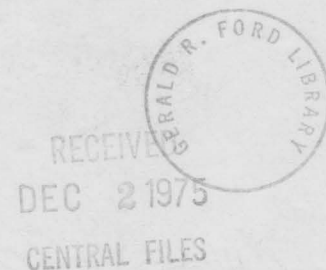
In view of the importance of this piece of legislation to older Americans both male and female, we feel it would be appropriate to hold a signing ceremony on Friday, November 28, 1975.

Not only would this ceremony serve to increase the level of attention being paid to our older citizens, but would pay tribute to Bertha Atkins, Director of the Federal Council on Aging and the first woman to hold the position of Undersecretary of the Department of Health, Education and Welfare as well.

We further feel that it would be an ideal opportunity to highlight the past and current achievements of older Americans as we approach the Bicentennial year and begin to conclude International Women's Year.

Should you concur that this ceremony should be held, Bertha Atkins would be glad to assist in the planning. During the Thanksgiving holiday, she can be reached at her home number in Oxford, Maryland, (301) 226-5548.

Thank you.





EXECUTIVE

WES

13

John

THE WHITE HOUSE

WASHINGTON

November 26, 1975

MEMORANDUM FOR:

BILL NICHOLSON  
TED MARRS

FROM:

BOBBIE GREENE KILBERG

Bobbie

Phil Buchen yesterday received the attached letter from John  
x Martin who represents both the x National Retired Teachers Associ-  
ation and the x American Association of Retired Persons. In his  
letter, Martin urges the President to sign the 1975 amendments to  
the Older Americans Act and to do so at a bill signing ceremony.

As the Counsel's Office has not been involved in the substantive  
discussions on the merits of the amendments, Phil Buchen has  
forwarded the letter to Jim Cannon and Paul O'Neill and has in-  
formed them that he is passing on the signing ceremony request  
to the two of you. It is my understanding that the last day for the  
bill's signature is December 3.

Attachment

Linder  
301:

John

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attach. Mr. Sr. John Martin who repre.  
both the Nat. Retired Teach. Assoc. & the  
Amer. Assoc. of Retired Persons

### SCHEDULING ROUTING MEMO

Sign Amendment to *memo dated 11/26*  
Subject: *Older Amer. Act* Originator: *Bobbie Hulberg*

To Individual

1 W. Nicholson

Processed

12/4

Comments

\_\_\_ W. Rustand

\_\_\_ Staff to:

\_\_\_ H. Donaldson

2 M. Widner

3 M. Rawlins

\_\_\_ N. Gemmell

*Pls check status  
of Bill w/  
Mr. Buckner Lindus  
ref. OTC +  
OBE then to  
MR*

*President signed  
w/o ceremony  
on Nov 28*

Return to: \_\_\_\_\_

Action: \_\_\_\_\_

*No need to  
reply to Bucken  
letter*

*12/8 To Central Files*



NATIONAL  
RETIRED  
TEACHERS  
ASSOCIATION



AMERICAN  
ASSOCIATION  
OF RETIRED  
PERSONS

*Ken  
Please  
JNC*

November 21, 1975

Mr. Philip W. Buchen  
Counsel to the President  
The White House Office  
Washington, D.C. 20500

Dear Phil:

The Senate and the house have just passed the conference report on the 1975 amendments to the Older Americans Act by overwhelming votes, which will send the bill to the White House for action. Because I have followed this legislation very closely and have testified on several occasions with regard to it, I would like the President to know that the legislation represents the best judgment of Congress, of the Administration on Aging, and of the national aging organizations, including the more than eight million members of the American Association of Retired Persons and the National Retired Teachers Association.

I hope that you will urge the President to sign the bill and to do so at a signing ceremony at which members of Congress, the Administration, and the national aging organizations are present. This would provide an opportunity to give wide publicity to the event and would help to make clear the President's commitment to the welfare of older Americans.

The new legislation strengthens the Administration on Aging as the focal point on aging in the federal government, and at state and local levels reinforces the advocacy role of state and area agencies on aging.

The bill specifies as national priority services transportation, home services, and legal services--all designed to make it possible for older persons to remain in their own homes rather than be transferred to nursing homes. It is estimated that in many such homes 20 to 30 percent of the older people are there only because there was no other place for them to go and no support services which would enable them to remain at home.



Mary Mullen  
President, NRTA

Douglas O. Woodruff  
President, AARP

Bernard E. Nash  
Executive Director

National Headquarters: 1909 K Street, N.W., Washington, D. C. 20049 (202) 872-4700

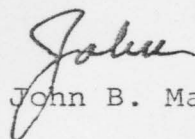


The bill also strengthens the Older Americans Community Service Employment program, designed to foster useful part-time opportunities in community service activities for unemployed low-income persons who are 55 years old or older and who have poor employment prospects. This is especially important since there has been a 57 percent increase in unemployment among workers 55 years old and older during the past year. It also reflects the fact that first-time enrollees in federal manpower programs constitute only 1.5 percent of the total, although their actual presence in the work force is far greater. These men and women need to work, they need to have earnings, and they have proven that they can do an excellent job. A program giving them an opportunity to work rather than to live on welfare is badly needed.

The bill also contains an important section prohibiting age discrimination in programs or activities receiving federal financial assistance. The legislation calls for a study by the Civil Rights Commission and the development of regulations based on that study not to take effect before January 1, 1979. There is no question but that age discrimination exists in many areas and ought to be countered by a program of this sort.

A most important feature of the bill is that it renews the authorizations in the Older Americans Act without which no appropriations can be provided for 1976 and beyond. The authorizations seem to be entirely within reasonable limits to accomplish the very large job lying ahead.

Sincerely,



John B. Martin



EXECUTIVE

PR 7

FGI

HU 2

HU 2-5

WE 9

WE 5

5

THE WHITE HOUSE

WASHINGTON

December 13, 1975

MEMORANDUM FOR: RICHARD CHENEY  
JERRY H. JONES  
WILLIAM W. NICHOLSON

FROM: WILLIAM J. BAROODY, JR.

SUBJECT: Presidential Participation in Public Liaison  
Events

BACKGROUND

The President will have several excellent opportunities to demonstrate concern for ethnic, minority and special constituency groups during January and early 1976. By participating in part or all of the programs outlined below, the President can show his personal commitment to minority citizens as well as his political commitment to the value of ethnic communities and community renewal.

Below I outline an integrated program of events centered around Hispanic, Black, Ethnic, Women, Youth and Senior Citizen events. Taken together these could have significant substantive and political impact.

THE PROGRAMS

Hispanic Affairs -- I propose to conduct a Tuesday at the White House meeting in early January on Hispanic concerns. It should be scheduled on the same day that Gilbert Pompa is to be sworn in as Deputy Director of the Community Relations Service, Department of Justice. Supreme Court Justice Rehnquist has agreed to swear in Pompa, and the Attorney General and all twelve major Hispanic Administration appointees could attend. Approximately twenty to fifty or so major Hispanic community leaders could also be invited to attend the ceremony. White House press pool coverage could also be arranged.



14  
ROBERT TAFT, JR.  
OHIO



United States Senate

WASHINGTON, D.C. 20510

December 16, 1975

12-20  
WTK-fy  
JEB-fil  
EXECUTIVE

WE5

ME  
The President  
The White House  
Washington, D. C. 20500

Dear Mr. President:

Thank you very much for your letter of December 9th and the pen commemorating the signing of the Older Americans Act of 1975. I am deeply appreciative of it, and I am proud to have played a part in bringing it to fruition.

I do, indeed, share your concern with the impact of inflation on the elderly and the extent that funding decisions in the Congress relate to this problem.

With my highest respect.

Sincerely,

Robert Taft, Jr.  
U. S. Senator



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CENTRAL FILES



WHITE HOUSE  
MAIL ROOM

1975 DEC 20 AM 8 56

United States Senate  
WASHINGTON, D.C. 20510  
December 16, 1975

ROBERT TAFÉ, JR.  
OHIO

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

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I do, indeed, share your concern with the impact of inflation on the elderly and the extent that funding decisions in the Congress relate to this problem.

With my highest respect.

Sincerely,

Robert Tafe, Jr.  
U. S. Senator



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15

HARRISON A. WILLIAMS, JR., N.J., CHAIRMAN  
JENNINGS RANDOLPH, W. VA.  
CLAIBORNE PELL, R.I.  
EDWARD M. KENNEDY, MASS.  
GAYLORD NELSON, WIS.  
WALTER F. MONDALE, MINN.  
THOMAS F. EAGLETON, MO.  
ALAN CRANSTON, CALIF.  
WILLIAM D. HATHAWAY, MAINE

JACOB K. JAVITS, N.Y.  
RICHARD S. SCHWEIKER, PA.  
ROBERT TAFT, JR., OHIO  
J. GLENN BEALL, JR., MD.  
ROBERT T. STAFFORD, VT.  
PAUL LAXALT, NEV.

DONALD ELISBURG, GENERAL COUNSEL  
MARJORIE M. WHITTAKER, CHIEF CLERK

12-18  
HTR  
JEB for files

United States Senate

COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
WASHINGTON, D.C. 20510

December 15, 1975

MF

The President  
The White House  
Washington, D.C.

Dear Mr. President:

Thank you so much for your letter of December 9,  
and for enclosing the ceremonial pen marking the signing of  
H.R. 3922, the Older Americans Amendments of 1975, into  
law.

I am pleased to have one of the pens used in  
the signature of this legislation and appreciate your  
thoughtfulness in sending it to me.

Warm regards.

Sincerely,

*Richard S. Schweiker*

Richard S. Schweiker  
United States Senator

RSS/kn

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DEC 19 1975  
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WHITE HOUSE  
MAIL ROOM

1975 DEC 18 PM 2 27

United States Senate

COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
WASHINGTON, D.C. 20510

December 12, 1975

HARRISON A. WILLIAMS, JR., CHAIRMAN  
JACOB K. JAVITS, N.Y.  
ROBERT C. BYRD, W.V.  
ROBERT F. DODD, N.Y.  
J. EDGAR BROWNE, N.Y.  
ROBERT F. DODD, N.Y.  
PAUL LOUANT, N.Y.  
THOMAS E. BAKER, N.Y.  
WALTER E. BAKER, N.Y.  
ALAN CHAPMAN, N.Y.  
WILLIAM D. HATWAY, N.Y.  
DONALD E. BROWN, GENERAL COUNSEL  
MARJORIE M. WITTAKER, CHIEF CLERK

The President  
The White House  
Washington, D.C.

Dear Mr. President:

Thank you so much for your letter of December 9,  
and for enclosing the ceremonial pen marking the signing of  
H.R. 3032, the Older Americans Amendments of 1975, into  
law.

I am pleased to have one of the pens used in  
the signature of this legislation and appreciate your  
thoughtfulness in sending it to me.

Warm regards.

Sincerely,



Richard S. Schweiker  
United States Senator

RS2/kn



RECEIVED  
DEC 18 1975  
GENERAL DEL.





United States Senate

WASHINGTON, D. C.

DEWEY F. BARTLETT  
OKLAHOMA

December 10, 1975

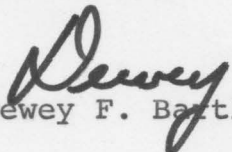
MF  
The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

Thank you very much for the ceremonial pen marking the signing of H. R. 3922, the Older Americans Amendments of 1975.

When you veto the Conference Report on S. 622, the Energy Policy and Conservation Act of 1975, and the Common Situs legislation, H. R. 5900, and if it is convenient, I would appreciate receiving the pen you use.

Sincerely,

  
Dewey F. Bartlett



RECEIVED  
DEC 15 1975  
CENTRAL FILES

12-10  
BK fyi.  
Return for file



United States Senate

WASHINGTON, D. C.

DEWEY F. BARTLETT

ARMED

December 10, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

Dear Mr. President:

Thank you very much for the ceremonial pen  
marking the signing of H. R. 3832, the Older  
Americans Amendments of 1975.

When you veto the Conference Report on S. 582,  
the Energy Policy and Conservation Act of 1975,  
and the Common Sense Legislation, H. R. 5900,  
and if it is convenient, I would appreciate  
receiving the pen you use.

Sincerely,

Dewey F. Bartlett

WHITE HOUSE  
MAIL ROOM

1975 DEC 10 PM 4 15

EXECUTIVE

WE 5

PR 12-1

December 9, 1975

Dear Glenn:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

You undoubtedly noted in my signing statement that I have reservations concerning certain provisions of the bill. Of particular concern, at a time when we are struggling to restrain growth in the Federal budget, are the high authorization levels included in it. I am confident you share my concern about the impact of inflation on the elderly and I shall look forward to working with the Congress in determining appropriation levels for this act which will be adequate, equitable and noninflationary.

With kindest personal regards,

Sincerely,

JERRY FORD

The Honorable J. Glenn Beall, Jr.  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms

Green Copies Used for Name File  
Xerox " " " Chron "





December 9, 1975

Dear Jack:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Jacob K. Javits  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms

32-H.R. 3922



**RECEIVED**

DEC 10 1975

CENTRAL FILES

December 9, 1975

Dear Cliff;

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Clifford P. Hansen  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Hiram:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Hiram L. Fong  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms





December 9, 1975

Dear Ed:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Edward W. Brooke  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Pete:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Pete V. Domenici  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Chuck:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Charles H. Percy  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms





December 9, 1975

Dear Bob:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Robert Taft  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Dick:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Richard S. Schweiker  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Bill

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Bill Brock  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms





December 9, 1975

Dear Paul:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Paul Laxalt  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



December 9, 1975

Dear Dewey:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Dewey Bartlett  
United States Senate  
Washington, D.C. 20510

GRF:MLF:VO:ms



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DEC 10 1975

CENTRAL FILES

December 9, 1975

Dear Bob:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

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With kindest personal regards,

Sincerely,

**JERRY FORD**

The Honorable Robert T. Stafford  
United States Senate  
Washington, D.C. 20510

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CENTRAL FILES



THE WHITE HOUSE  
WASHINGTON

December 8, 1975

1. William T. Kendall *WTK*
2. Max L. Friedersdorf *MLF*
3. ~~James~~ Connor

4. After signature, please  
return to ~~E. Prayer~~  
V. Olson

Draft has been cleared by  
Jim Cavanaugh.

*13  
penc*

Bill Kendall - FYI

I have sent for typing with Dec. 9 date.

Please return file to me.

Virginia

OK  
ME

THE WHITE HOUSE  
WASHINGTON

December 3, 1975

MEMORANDUM FOR:

JAMES CAVANAUGH *O.K.*

THROUGH:

MAX L. FRIEDERSDORF *m. 6*

FROM:

WILLIAM T. KENDALL *WTK*

SUBJECT:

Proposed Presidential letter.

It is customary, when the President approves a bill which Members of Congress have urged him to sign, to send a Presidential "pen" letter. This would have been done routinely for the cosigners of the attached letter.

However, in view of the fact that the President signed the bill with certain reservations, we have prepared a letter noting this. Will you review the attached draft and advise me if you think it appropriate to send, using paragraph #2 as prepared.

Many thanks.



32 DEC 4 11 8 19



DATE: December 9, 1975

PROPOSED DRAFT - PRESIDENTIAL "PEN" LETTER

Dear ///:

On November 28, I gave my approval to H.R. 3922, the Older Americans Amendments of 1975. I want to thank you and your Republican colleagues for the comments you provided me in your November 20 letter. As one who voted for the original act, and subsequent amendments, I share with you a commitment to the need to provide coordinated, comprehensive services to our senior citizens. As a memento of your concern and efforts to achieve passage of this bill, I am pleased to send you a ceremonial pen to mark its becoming Public Law 94-135.

You undoubtedly noted in my signing statement that I have reservations concerning certain provisions of the bill. Of particular concern, at a time when we are struggling to restrain growth in the Federal budget, are the high authorization levels included in it. I am confident you share my concern about the impact of inflation on the elderly and I shall look forward to working with the Congress in determining appropriation levels for this act which will be adequate, equitable and non-inflationary.

With kindest personal regards,

Sincerely,

GRF

////////////////

GRF:MLF:VO:



December 1, 1975

EXECUTIVE

WE5

LA2

HU2-2

Dear Senator:

Thank you for the November 20 letter to the President in which you joined with your Republican colleagues who share with you, through your Committee assignments, special interest in legislation concerning older Americans.

I wish to assure you that your letter urging approval of H.R. 3922, was called promptly to the President's attention upon receipt.

I am certain you were pleased to learn that the bill was signed on November 28.

With kindest regards,

Sincerely,

*Bill*

William T. Kendall  
Deputy Assistant  
to the President

The Honorable J. Glenn Beall, Jr.  
United States Senate  
Washington, D.C. 20510

/ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



4  
*Green Copies Used for Name File*

December 1, 1975

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With kindest regards,

Sincerely,



William T. Kendall  
Deputy Assistant  
to the President

The Honorable Paul Laxalt  
United States Senate  
Washington, D.C. 20510

bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



6



December 1, 1975

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With kindest regards,

Sincerely,

*Bill*

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Jacob K. Javits  
United States Senate  
Washington, D.C. 20510



bcc: w/incoming to James Cannon - FYI

WTK:VO:rg

6

December 1, 1975

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With kindest regards,

Sincerely,

*Bill*

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Dewey F. Bartlett  
United States Senate  
Washington, D.C. 20510

bcc: w/incoming to James Cannon - FYI

WTK:VO:rg  
*C*



December 1, 1975

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William T. Kendall  
Deputy Assistant  
to the President

The Honorable Robert T. Stafford  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg

6





December 1, 1975

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*Bill*

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Robert Taft, Jr.  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



December 1, 1975

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Sincerely,

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William T. Kendall  
Deputy Assistant  
to the President

The Honorable Richard S. Schweiker  
United States Senate  
Washington, D.C. 20510

cc: w/incoming to James Cannon - FYI

WTK:VO:rg



4

December 1, 1975

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Sincerely,

*Bill*

William T. Kendall  
Deputy Assistant  
to the President

The Honorable Bill Brock  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg

6





December 1, 1975

Dear Senator:

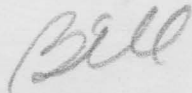
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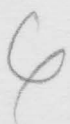


William T. Kendall  
Deputy Assistant  
to the President

The Honorable Pete V. Domenici  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



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Sincerely,

*Bill*  
William F. Kendall  
Deputy Assistant  
to the President

The Honorable Charles H. Percy  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



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*Bill*  
William T. Kendall  
Deputy Assistant  
to the President

The Honorable Edward W. Brooke  
United States Senate  
Washington, D.C. 20510

bcc: w/incoming to James Cannon - FYI

WTK:VO:rg  
*6*





December 1, 1975

Dear Senator:

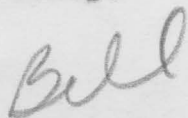
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Sincerely,



William T. Kendall  
Deputy Assistant  
to the President

The Honorable Clifford P. Hansen  
United States Senate  
Washington, D.C. 20510

✓ bcc: w/incoming to James Cannon - FYI

WTK:VO:rg



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William T. Kendall  
Deputy Assistant  
to the President

The Honorable Hiram L. Fong  
United States Senate  
Washington, D.C. 20510

cc: w/incoming to James Cannon - FYI

WTK:VO:rg



RECEIVED

DEC 2 1975

CENTRAL FILES

14  
J. GLENN BEALL, JR.  
MARYLAND

**United States Senate**

WASHINGTON, D.C. 20510

November 20, 1975

11-26  
COMMITTEES:  
BUDGET  
COMMERCE  
LABOR AND PUBLIC WELFARE  
SENATE SELECT COMMITTEE  
ON SMALL BUSINESS  
SPECIAL COMMITTEE ON AGING

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

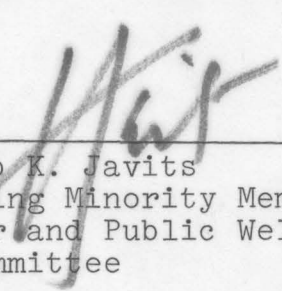
Dear Mr. President:

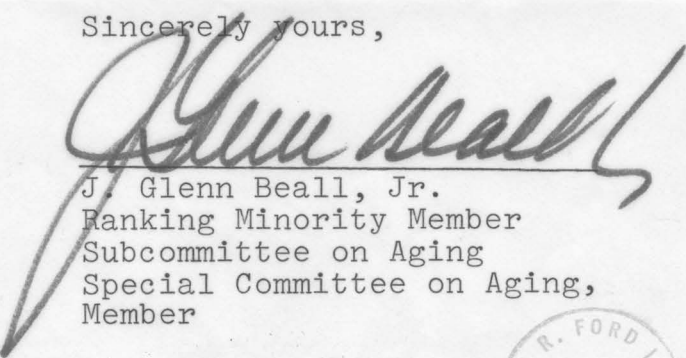
On November 20, 1975, the Congress completed work on H.R. 3922, the 1975 Amendments to the Older Americans Act of 1965, as amended. This bill has now been forwarded to the White House for your consideration.

As the minority members of the Labor and Public Welfare Committee, the Subcommittee on Aging, and the Senate Special Committee on Aging we would like to take this opportunity to urge you to sign H.R. 3922 into law. This legislation extends and expands the vital social, nutritional and employment services which were first embodied in the Older Americans Comprehensive Services Amendments of 1973 (P.L. 93-29). In addition, this bill addresses itself to the problem of age discrimination. Unreasonable discrimination on the basis of age has such an adverse impact on middle age and older persons that we believe the time has come for us to prohibit such discrimination in federal programs.

Today's senior citizens represent the generation that built our Nation's greatness. They deserve an opportunity to live out their lives in independence and dignity. We believe that H.R. 3922 is a step in the right direction.

Sincerely yours,

  
\_\_\_\_\_  
Jacob K. Javits  
Ranking Minority Member  
Labor and Public Welfare  
Committee

  
\_\_\_\_\_  
J. Glenn Beall, Jr.  
Ranking Minority Member  
Subcommittee on Aging  
Special Committee on Aging,  
Member





WHITE HOUSE  
MAIL ROOM  
1975 NOV 26 PM 3 03  
RECEIVED  
U.S. SENATE  
COMMUNICATIONS SECTION  
WASHINGTON, D.C. 20510

United States Senate  
WASHINGTON, D.C. 20510

November 20, 1975

The Honorable Gerald R. Ford  
President of the United States  
The White House  
Washington, D. C.

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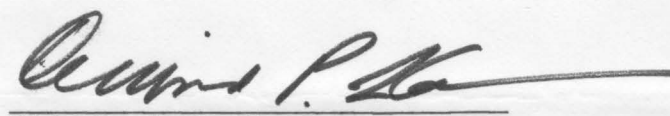
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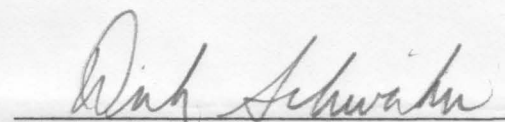
U. Glenn Beall, Jr.  
Ranking Minority Member  
Subcommittee on Aging  
Special Committee on Aging  
Member

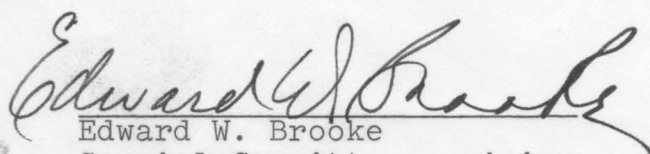
Jacob K. Javits  
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Labor and Public Welfare  
Committee

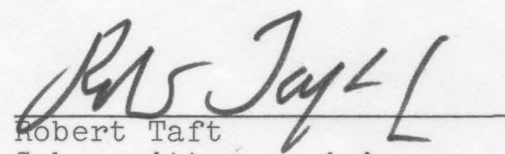
The Honorable Gerald R. Ford  
November 20, 1975  
Page 2

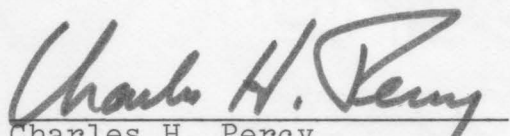
  
Hiram L. Fong  
Ranking Minority Member  
Special Committee on Aging

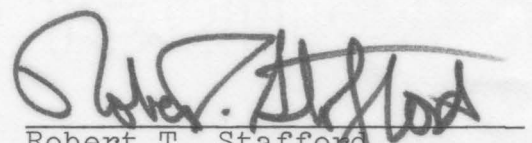
  
Clifford P. Hansen  
Special Committee on Aging

  
Richard S. Schweiker  
Subcommittee on Aging

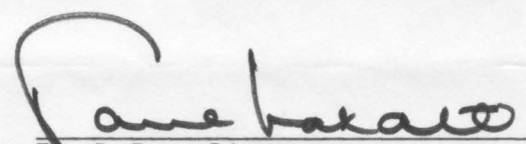
  
Edward W. Brooke  
Special Committee on Aging

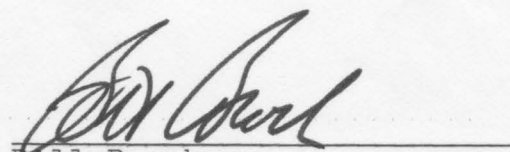
  
Robert Taft  
Subcommittee on Aging

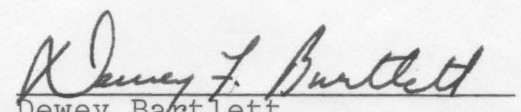
  
Charles H. Percy  
Special Committee on Aging

  
Robert T. Stafford  
Subcommittee on Aging  
Special Committee on Aging

  
Pete V. Domenici  
Special Committee on Aging

  
Paul Laxalt  
Labor and Public Welfare  
Committee

  
Bill Brock  
Special Committee on Aging

  
Dewey Bartlett  
Special Committee on Aging



EXECUTIVE

PR13-1/ST3

WES

THE WHITE HOUSE

WASHINGTON

December 18, 1975

Dear Ms. Van Arsdell:

Your letter to the President expressing concern about the proposed 1976-1977 budget recommendations by the President has been referred to me.

You mention that the recommendations may include reductions in services for senior citizens. I presume you are referring to the President's telecast of October 6, 1975, in which he proposed a permanent reduction in Federal taxes coupled with a reduction in the growth of Federal spending. No decisions have been made yet about which programs will be restrained or curtailed. These decisions will be made in the budget review process leading up to the President's January budget message to Congress.

I can assure you that this Administration is deeply concerned over the impact of the current economic situation on older Americans. We are aware of the financial difficulties faced by many elderly persons living on fixed incomes.

To help ease the burdens of inflation upon the elderly, social security and supplemental security income (SSI) benefits were increased in June by eight percent, with the raise being reflected in the July checks. Under the current law, both social security and SSI payments will increase automatically whenever the Consumer Price Index rises more than three percent a year.

Last spring, the President signed a \$22.8 billion anti-recession tax cut that carried a number of provisions favorable to the elderly, including payment of \$50 each to some 34 million individuals receiving social security, railroad retirement, and supplemental security income benefits. Extension of unemployment compensation payments, tax rebates for 1974, and tax reductions for 1975 were also features of the bill that benefit many older persons. In addition, rules concerning tax deductions for expenses of caring for an elderly relative were liberalized.





- 2 -

If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

*Sarah Massengale*

Sarah C. Massengale  
Assistant Director  
Domestic Council

Honorable Madelene Van Arsdell  
Arizona Senate  
6727 North 12th Avenue  
Phoenix, Arizona 85013





THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D.C. 20201

EXECUTIVE

ISI

WES

DEC 18 1975

MEMORANDUM FOR THE PRESIDENT

The law requires that the Secretary of Health, Education, and Welfare determine and promulgate during the last quarter of each calendar year the monthly premium rate to be paid by voluntary enrollees in the hospital insurance program during the next fiscal year. These voluntary enrollees are persons over 65 who are not otherwise eligible for Medicare hospital insurance benefits either on the basis of their own earnings records or on the basis of certain transitional provisions established at the outset of the Medicare program.

The law is specific as to the manner in which the premium is calculated. The initial rate for fiscal year 1974 was established in the statute itself. Rates for succeeding years are determined by increasing the 1974 rate in proportion to increases in the inpatient hospital deductible.

Based on the formula in the statute, I intend to promulgate a premium rate of \$45 for the year beginning next July.

/s/David Mathews

Secretary



1567

EXECUTIVE

BEB

WES

December 20, 1975

Dear Phil:

Thank you so much for your December 11 letter and enclosure regarding senior citizen groups and their perception of the Administration's attitude toward them. I certainly appreciate and share your concern on this most important matter. Your letter will be brought to the attention of the President, as well as the appropriate staff people, as soon as possible. I feel sure they will find your observations and recommendations as helpful as I have.

With kindest regards,

Sincerely,

Max L. Friedersdorf  
Assistant to the President

The Honorable Philip E. Ruppe  
House of Representatives  
Washington, D. C. 20515

✓ bcc: w/inc to James Cannon for DRAFT.  
" " " Bill Baroody, FYI  
" " " Robert Hartmann, FYI

MLF:JEB:jlc



RECEIVED  
JAN 5 1976  
CENTRAL FILES



*gah*



FEDERAL COUNCIL ON THE AGING  
WASHINGTON, D.C. 20201

EXECUTIVE

*WES*  
*FI 11*  
*FG 375*

December 29, 1975

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

On behalf of the Federal Council on the Aging, I am pleased to submit a "Study of the Impact of the Tax Structure on the Elderly."

This study was undertaken to fulfill the legislative mandate of the 1973 Amendments to the Older Americans Act, Section 205 (h):

The Council shall undertake a study of the combined impact of all taxes on the elderly - including but not limited to income, property, sales, social security taxes. Upon completion of this study, but no later than eighteen months after enactment of this Act, the President shall submit to Congress, and to the Governor and legislatures of the States, the results thereof and such recommendations as he deems necessary.

The 1975 amendments to the Older Americans Act extended the time by which the President is to submit recommendations to January 1, 1976.

Recommendations based on the findings of this study are also included for your consideration.

Sincerely,

*Bertha S. Adkins*  
Bertha S. Adkins  
Chairman

*Study filed*

*Oversize Attachment*

*# 9611*



RECEIVED  
DEC 10 1976  
CENTRAL FILES



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE  
WASHINGTON, D.C. 20201

JAN 2 1976

EXECUTIVE

ISI  
FGL  
WES

(2)

MEMORANDUM FOR THE PRESIDENT

The law requires that the Secretary of Health, Education, and Welfare promulgate each December the monthly premium rate to be paid by enrollees under the Supplementary Medical Insurance program during the next fiscal year. This program is the voluntary part of Medicare, primarily covering physicians' services and outpatient hospital services.

At the same time, the Secretary must determine rates based on which general revenue payments will be made to supplement premium payments in order to pay the full incurred costs of the program. The law is specific in the manner in which the premium and matching rates are to be determined. There is very little discretion given to the Secretary in the determination.

The monthly premium rate paid by enrollees will be \$7.20 starting next July. This is an increase of approximately eight percent over the present premium rate. This is the same percentage increase in benefits that old-age, survivors, and disability insurance beneficiaries received last July.

This premium rate increase is possible as a result of your approval of H.R. 10284 on Wednesday.

/s/David Mathews

Secretary



Date	1.3.76
Action Copy	Jim Cavanaugh
Info Copy	
Follow Up	

3  
EXECUTIVE

WE 5  
FG 375  
IT 64-10  
IT 64-8

gah  
January 9, 1975

Dear Mrs. Adkins:

President Ford has asked me to reply to your letter of December 13 in which you request the US Delegation to the Commission for Social Development (CSD) to explore the feasibility of a World Assembly on Aging.

The US Delegation to the Commission has been instructed to discuss, informally, with representatives of both industrialized and developing countries the possibility of holding such a meeting. The Delegation will also informally explore with representatives of European countries their interest in holding a regional meeting on aging under the sponsorship of the Economic Commission for Europe. Findings of the Delegation will be reported to the US Advisory Group on Aging following the Commission session for consideration as to future US action in this field.

I hope this information will be useful to you.

The President appreciates that you have shared with him the views of your Council on the Aging and has asked me to extend his best wishes.

Sincerely,

Roland L. Elliott  
Director of Correspondence

Mrs. Bertha S. <sup>X</sup>Adkins  
Chairman  
Federal Council on the Aging  
Washington, D. C. 20201

RLE:NSC:JHH:RLE:aby  
14



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JAN 11 1975

CENTRAL FILES



MEMORANDUM

6265

NATIONAL SECURITY COUNCIL

January 8, 1975

MEMORANDUM FOR ROLAND ELLIOTT

FROM: JEANNE W. DAVID *JWD*

SUBJECT: Presidential correspondence with the Federal  
Council on the Aging

The subject organization has written the President seeking his support for a World Assembly on Aging. The United States is taking an active part in the discussions concerning the feasibility of such an assembly and we believe it appropriate for you to respond to Mrs. Adkins on behalf of the President giving a brief description of our efforts.

I have attached for your consideration a draft received from State and as edited by the NSC Staff.

Attachments

Draft response on behalf of the President, and Mrs. Bertha Adkins' letter of December 13.



Suggested Draft Reply

RE

Dear Mrs. Adkins:

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I hope this information will be useful to you. ~~We~~ <sup>the President</sup> appreciate ~~s~~ that you have shared with <sup>him</sup> ~~us~~ the views of your Council on the Aging and <sup>has asked me to extend his best wishes.</sup>

Sincerely,

RLE

Mrs. Bertha S. Adkins  
Chairman  
Federal Council on the Aging  
Washington, D. C. 20201



RLE/NSC/IAH

Suggested Reply

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Sincerely yours,

*I hope the information will be useful to you. We appreciate that you have shared with us the needs of on the Aging of your Council.*





(Classification)

## JOINT NATIONAL SECURITY COUNCIL/STATE SECRETARIAT REFERRAL/RESPONSE FORM

MEMORANDUM FOR: George S. Springsteen  
Executive Secretary  
Department of State

Date: Dec 21, 1974

NSC Log No. 6265

The attached document(s) are forwarded for staffing as indicated below:

<u>XX</u> DRAFT REPLY FOR:	PRESIDENT'S SIGNATURE	TRANSLATION
	<u>XX</u> WHITE HOUSE STAFF SIGNATURE	RECOMMENDATIONS
	OTHER	INFO ONLY

DIRECT REPLY \_\_\_\_\_ furnish info copy

SPECIAL REQUIREMENTS:

URGENT

PRIORITY

ROUTINE XX

DUE DATE: 1/7/74

for JEANNE W. DAVIS  
Staff Secretary

MEMORANDUM FOR: Lt. Gen. Brent Scowcroft  
National Security Council  
The White House

Date:

S/S Log No.

Pursuant to the above referral we are transmitting with this memorandum:

The attached item was received  
by the Department of State:

Draft reply for:  
 \_\_\_\_\_ President's signature  
 \_\_\_\_\_ Other signature

\_\_\_\_\_ We believe no response is  
necessary

\_\_\_\_\_Information copy of direct  
reply

A draft response is attached

### Translation

\_\_\_\_\_ A draft response will be forwarded

REMARKS

GEORGE S. SPRINGSTEEN  
Executive Secretary

To: Pres. Gerald R. Ford From: Ms. Bertha S. Adkins Date: Dec. 13, 1974

Subject: Ms. Adkins writes the President endorsing the concept of a  
World Assembly on the Aging under the United Nations.

UNCLASSIFIED  
(Classification)

THE WHITE HOUSE  
WASHINGTON

12.20.74

TO: Dr. Kissinger

For Your Information: \_\_\_\_\_

For Appropriate Handling: ✓

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RDL  
Robert D. Linder



RECEIVED  
DEC 21 1974  
NICHOLS OFFICE

THE WHITE HOUSE  
WASHINGTON

12/17

Bill -

Your thoughts

Jack

sent to Bill Walker for follow up - 2/11; 75 - cb

Pending

B.S. Adkins

2-20

EXWES  
1-9-75







FEDERAL COUNCIL ON THE AGING  
WASHINGTON, D.C. 20201

December 13, 1974

FOR YOUR INFORMATION

Ronald H. Nessen

Cleonice Tavani  
Executive Director

Tel. 245-0442

RECEIVED  
DEC 19 1974  
CENTRAL FILES





FEDERAL COUNCIL ON THE AGING  
WASHINGTON, D.C. 20201

December 13, 1974

The President  
The White House  
Washington, D.C. 20500

Dear Mr. President:

RL  
In a recent report of the Secretary General of the United Nations, it is estimated that in the more developed countries of the world, the population 60 years of age and over will increase by 50 percent between the years of 1970 and 2000. In the less developed countries, the same age group will increase during the same time span by 158 percent.

This is but one reason why the Federal Council on the Aging has endorsed the concept of a World Assembly on Aging, possibly in conjunction with a World Year on the Aging under the auspices of the United Nations. A World Assembly on Aging would be most beneficial to the United States and other countries. Economic, social, health and housing needs of the elderly are causing serious concern in many nations. Much can be gained by countries sharing knowledge about policies and programs being developed to meet the needs of the increasing numbers of the world's elders.

The Federal Council on the Aging is requesting that the United States, through its State Department and delegation to the United Nations, explore the feasibility of a World Assembly on Aging. The U.N. Commission for Social Development of the Economic and Social Council will hold its biennial session this January to define its agenda and policy direction for the next two years. We would hope that consideration of a World Assembly on Aging could be pursued by the U.S. delegation to the U.N. during this time.

On behalf of the Federal Council on the Aging, I should like to express our appreciation of your consideration of this recommendation. We look forward to continuing to work with you by providing advice on policies and strategies which will benefit our older Americans.

Sincerely,

*Bertha S. Adkins*  
Bertha S. Adkins  
Chairman







# NSC CORRESPONDENCE PROFILE

DOC		RECD		LOG NBR		INITIAL ACTION
MO	DA	MO	DA	HR		
12	13	12	21	10	7406265	

SOURCE/CLASS/DESCRIPTION	TO: PRES <u>X</u>	FROM: KISSINGER, H <u>Adkins</u>	REFERENCE: <u>BERTHA 5</u>	CIRCLE AS APPROPRIATE
	KISSINGER _____	COLBY, W _____	S/S _____	<u>UNCLAS</u> LOG IN/OUT
	SCOWCROFT _____	SCHLESINGER, J _____	OTHER _____	LOU NO FORN NODIS
	DAVIS _____	ST EX SEC _____		C EYES ONLY EXDIS
				S CODEWORD
				TS SENSITIVE
SUBJECT: <u>Adkins of Fed Coun on the Ageng endorses concept of a world Assembly on Ageng UN</u>				

DISTRIBUTION/INITIAL ACTION ASGMT	INTERNAL ROUTING AND DISTRIBUTION			REC CY FOR	ACTION REQUIRED
		ACTION	INFO		
	ADVANCE CYS TO HAK/SCOWCROFT				
	STAFF SECRETARY				
	FAR EAST				
	SUB-SAHARAN AFRICA				
	MID EAST / NO. AFRICA / SO. ASIA				
	EUROPE / CANADA				
	LATIN AMERICA				
	UNITED NATIONS	X	X		
	ECONOMIC				
	SCIENTIFIC				
	PROGRAM ANALYSIS				
	NSC PLANNING				
	CONGRESSIONAL				
OCEANS POLICY					
INTELLIGENCE					
COMMENTS: (INCLUDING SPECIAL INSTRUCTIONS)					

SUBSEQUENT ROUTING/ACTIONS	DATE	FROM	TO	S	SUBSEQUENT ACTION REQUIRED (OR TAKEN):	CY TO
	12/13		State	D	Draft Reply for WH Sig 1/7	
	1/6				Rec'd State draft 7425076	
	1/7		Horan	S	Mem to Hris to P. Elliott (1-7)	
	1/8			C	Hris Sg Mem to Elliott	

NSC/ S DISP INSTR	DISPATCH <u>X</u>	MICROFILM & FILE RQMTS: M/F'D _____ BY _____ CRT ID: <u>1975</u> OPEN _____ CLOSE <u>max</u>
	CY RQMTS: SEE ABOVE PLUS: _____	
	NOTIFY _____ & DATE _____ BY _____	
	SPECIAL DISPOSITION: _____	
	CROSS REF W/ _____	SA SF HP NS WH EP PA DY
	SUSPENSE CY ATTACHED: _____ FOLDER: _____	

1/16/76

Exec.  
FG 375  
WE5

THE PRESIDENT'S AGING BOARD

# ANNUAL REPORT to the President - 1975



Federal Council on the Aging

Report Filed  
Oversize Attachment  
9933

ca. 1/21/76

Executive  
FG 6-15  
WE 5  
FG375  
MC 3

Reports and publications concerning aging retired to Central Files by Sarah Massengale of the Domestic Council. The materials concern the Federal Council on Aging and the 1971 White House Conference on Aging.

The documents are filed in Q.A. 9938

W.H.M.  
1/27/82



EXECUTIVE

GI 2  
PR 7-1  
WF 5  
PR 18

A

THE PRESIDENT HAS SEEN....

THE WHITE HOUSE

WASHINGTON

January 20, 1976

MEETING WITH MEMBERS OF THE AMERICAN ASSOCIATION  
OF RETIRED PERSONS (AARP) AND THE NATIONAL  
RETIRED TEACHERS ASSOCIATION (NRTA)

Wednesday, January 21, 1976

2:45 p.m. (10 minutes)

State Dining Room

From: Jim Cannon

I. PURPOSE

To greet the members of the Legislative Council of AARP and NRTA and to receive a book from the Presidents of the organizations.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: The Legislative Council of AARP and NRTA will be meeting in Washington to determine their legislative objectives for 1976. AARP and NRTA are two groups, jointly operated, which represent about 9 million older persons. Both have very active, well thought of volunteer programs.

The Presidents of AARP and NRTA will present to you a book written by the founder of the two organizations which expresses the author's and the group's philosophy of the importance of self-determination and of service by older persons to the community.

After you and Mrs. Ford greet them, the group will be taken on a tour of the White House.

B. Participants: List attached at Tab A.

C. Press Plan: Full Press Opportunity. Meeting to be announced.

III. TALKING POINTS

To be provided by Paul Theis.

Mullen, Mary  
Woodruff, Douglas B.



EXECUTIVE

MC 3

WE 5

January 27, 1976

Dear Jim:

Thank you for your January 21 letter to the President recommending that a call be issued for a Third White House Conference on Aging.

Please be assured I shall call your letter to the President's attention at the earliest opportunity. A report will be forthcoming as soon as possible.

With kindest regards,

Sincerely,

Vernon C. Loen  
Deputy Assistant  
to the President

The Honorable James L. Oberstar  
House of Representatives  
Washington, D. C. 20515

bcc: w/incoming to James Cannon for DRAFT REPLY

VCL:JEB:VO:jlc



INFORMATION

EXECUTIVE

SP5/FG-23

FG-23

SP2-4/1976

WE5

THE WHITE HOUSE

WASHINGTON

January 28, 1976

MEMORANDUM FOR: RICHARD CHENEY

FROM: JERRY JONES

As you are aware, Secretary Mathews agreed to spend most of a day in Florida as a followup to the President's concern for the elderly as stated in his State of the Union address.

Our Spokesmen's office worked with a local nursing home administrator in Ft. Lauderdale and arranged a special performance yesterday of the "Up With People" show from the Super Bowl for all senior service organizations in the area. In addition to addressing the group before the show, Secretary Mathews visited the nursing home and met informally with some of its residents. Unfortunately, his address was directed more to a Bicentennial theme and not the effort we expected.

During the visit there was extensive media interest which accompanied the Secretary throughout his visit. Except for a less than maximum crowd at the War Memorial Auditorium, I am told the visit was successful, particularly from a media standpoint and with extensive TV coverage.

Secretary Mathew's office will provide a readout on the media exposure once it is received from their regional office.



RECEIVED

FEB 21 1976

CENTRAL FILES



Rec'd  
Jan. 29, 1976

Q: What actions have you taken to indicate your support of older Americans?

A: I am deeply concerned about difficulties faced by many older Americans today and am making every effort to combat recession, inflation and the energy crisis, which affect all Americans, while at the same time assuring that the elderly are helped to meet these added burdens.

As I said on July 24, 1975: "...I am determined to reduce the burden of inflation on our older citizens, and that effort demands that government spending be limited. Inflation is one of the cruelest and most pervasive problems facing older Americans, so many of whom live on fixed incomes. A reduction of inflation, therefore, is in the best interests of all Americans and would be of particular benefit to the aging."

The elderly are the beneficiaries of Federal programs and grants in areas such as education, health care, income support and nutrition programs. In FY 73 the Federal Government transferred approximately \$54 billion to the elderly through income transfer programs and spent \$1.8 billion on services for the elderly.

On November 28, 1975, when I signed the "Older Americans Amendments of 1975", I said: "I endorse the concept of the Older Americans Act which establishes a system to deliver coordinated comprehensive services at the community level and which is designed to enable older persons to live independent lives in their own residences and to participate in the life of their community."

I am also concerned about maintaining the integrity of the Social Security System trust fund to ensure that expected benefits will be paid to those who earn them. As I said in the State of the Union address on January 19, 1976, "Simple arithmetic warns all of us that the Social Security Trust Fund is headed for trouble. Unless we act soon to make sure the fund takes in as much as it pays out, there will be no security for old or young."

I am therefore recommending in my FY 77 budget:

-- A full cost of living increase in social security benefits to be paid in the coming year.



MRs.

Lipscomb, William A., Jr.  
PES. MESSAGES

EXECUTIVE

3

January 29, 1976

ME 3-3/LG/NR

LG/NR

WES

PR8-1

We now mark the beginning of our Third Century as an Independent Nation as well as the 200th Anniversary of the American Revolution. For two centuries our Nation has grown, changed and flourished. A diverse people, drawn from all corners of the earth, have joined together to fulfill the promise of democracy.

America's Bicentennial is rich in history and in the promise and potential of the years that lie ahead. It is about the events of our past, our achievements, our traditions, our diversity, our freedoms, our form of government and our continuing commitment to a better life for all Americans. The Bicentennial offers each of us the opportunity to join with our fellow citizens in honoring the past and preparing for the future in communities across the Nation. Thus, in joining together as races, nationalities, and individuals, we also retain and strengthen our traditions, background and personal freedom.

As we lay the cornerstone of America's Third Century, the very special part in this undertaking performed by the Bicentennial Commission, in your series honoring us, is most commendable.

GERALD R. FORD

RECEIVED

FEB 2 1976

CENTRAL FILES

Individual: Mrs. William A. Lipscomb, Jr.  
Newport News, VA  
Program in honor of Senior Citizens at  
Christopher Newport College Campus  
Center on July 3, 1976.

eol/eol

760130-110

BB  
THE PRESIDENT HAS SEEN

THE WHITE HOUSE  
WASHINGTON

February 7, 1976

EXECUTIVE

5P2-3-81

PR 7-1

WE5

FB23

FB23-10

SIGNING CEREMONY FOR OLDER AMERICANS MESSAGE

Monday, February 9, 1976  
10:00 a.m. (10 minutes)  
The Oval Office

From: Jim Cannon

I. PURPOSE

To sign the Older Americans Messages to the House and Senate and make brief remarks on camera.

II. BACKGROUND, PARTICIPANTS, AND PRESS PLAN

A. Background

This is the first in a series of Special Messages which you will be sending to the Congress expanding upon your domestic program from the State of the Union Message.

B. Participants

David Mathews, Secretary of HEW  
Stan<sup>x</sup>Thomas, Assistant Secretary for Human Development  
Arthur<sup>x</sup>Fleming, Commissioner on Aging  
Bruce<sup>r</sup>Cardwell, Social Security Commissioner

C. Press Plan

To be announced. Writing pool, sound and cameras in office.

III. TALKING POINTS

To be supplied by the Editorial Office.



FEB 23 1976  
CENTRAL FILES



BB

February 9, 1976

EXECUTIVE  
SP2-3-81 ③+  
WES  
WE7  
ISI

TO THE CONGRESS OF THE UNITED STATES:

I ask the Congress to join with me in making improvements in programs serving the elderly.

As President, I intend to do everything in my power to help our nation demonstrate by its deeds a deep concern for the dignity and worth of our older persons. By so doing, our nation will continue to benefit from the contributions that older persons can make to the strengthening of our nation.

The proposals being forwarded to Congress are directly related to the health and security of older Americans. Their prompt enactment will demonstrate our concern that lifetimes of sacrifice and hard work conclude in hope rather than despair.

The single greatest threat to the quality of life of older Americans is inflation. Our first priority continues to be the fight against inflation. We have been able to reduce by nearly half the double digit inflation experienced in 1974. But the retired, living on fixed incomes, have been particularly hard hit and the progress we have made in reducing inflation has not benefited them enough. We will continue our efforts to reduce federal spending, balance the budget, and reduce taxes. The particular vulnerability of the aged to the burdens of inflation, however, requires that specific improvements be made in two major Federal programs, Social Security and Medicare.

We must begin by insuring that the Social Security system is beyond challenge. Maintaining the integrity of the system is a vital obligation each generation has to



Delivered to House: 2/9/76 (Mon)  
Delivered to Secretary of State: 2/9/76 (12:15p)

Handwritten initials: JFM

those who have worked hard and contributed to it all their lives. I strongly reaffirm my commitment to a stable and financially sound Social Security system. My 1977 budget and legislative program include several elements which I believe are essential to protect the solvency and integrity of the system.

First, to help protect our retired and disabled citizens against the hardships of inflation, my budget request to the Congress includes a full cost of living increase in Social Security benefits, to be effective with checks received in July 1976. This will help maintain the purchasing power of 32 million Americans.

Second, to insure the financial integrity of the Social Security trust funds, I am proposing legislation to increase payroll taxes by three-tenths of one percent each for employees and employers. This increase will cost no worker more than \$1 a week, and most will pay less. These additional revenues are needed to stabilize the trust funds so that current income will be certain to either equal or exceed current outgo.

Third, to avoid serious future financing problems I will submit later this year a change in the Social Security laws to correct a serious flaw in the current system. The current formula which determines benefits for workers who retire in the future does not properly reflect wage and price fluctuations. This is an inadvertent error which could lead to unnecessarily inflated benefits.

The change I am proposing will not affect cost of living increases in benefits after retirement, and will in no way alter the benefit levels of current recipients. On the other hand, it will protect future generations against unnecessary costs and excessive tax increases.





I believe that the prompt enactment of all of these proposals is necessary to maintain a sound Social Security system and to preserve its financial integrity.

Income security is not our only concern. We need to focus also on the special health care needs of our elder citizens. Medicare and other Federal health programs have been successful in improving access to quality medical care for the aged. Before the inception of Medicare and Medicaid in 1966, per capita health expenditures for our aged were \$445 per year. Just eight years later, in FY 1974, per capita health expenditures for the elderly had increased to \$1218, an increase of 174 percent. But despite the dramatic increase in medical services made possible by public programs, some problems remain.

There are weaknesses in the Medicare program which must be corrected. Three particular aspects of the current program concern me: 1) its failure to provide our elderly with protection against catastrophic illness costs, 2) the serious effects that health care cost inflation is having on the Medicare program, and 3) lack of incentives to encourage efficient and economical use of hospital and medical services. My proposal addresses each of these problems.

In my State of the Union Message I proposed protection against catastrophic health expenditures for Medicare beneficiaries. This will be accomplished in two ways. First, I propose extending Medicare benefits by providing coverage for unlimited days of hospital and skilled nursing facility care for beneficiaries. Second, I propose to limit the out-of-pocket expenses of beneficiaries, for covered services, to \$500 per year for hospital and skilled nursing services and \$250 per year for physician and other non-institutional medical services.





This will mean that each year over a billion dollars of benefit payments will be targeted for handling the financial burden of prolonged illness. Millions of older persons live in fear of being stricken by an illness that will call for expensive hospital and medical care over a long period of time. Most often they do not have the resources to pay the bills. The members of their families share their fears because they also do not have the resources to pay such large bills. We have been talking about this problem for many years. We have it within our power to act now so that today's older persons will not be forced to live under this kind of a shadow. I urge the Congress to act promptly.

Added steps are needed to slow down the inflation of health costs and to help in the financing of this catastrophic protection. Therefore, I am recommending that the Congress limit increases in medicare payment rates in 1977 and 1978 to 7% a day for hospitals and 4% for physician services.

Additional cost-sharing provisions are also needed to encourage economical use of the hospital and medical services included under Medicare. Therefore, I am recommending that patients pay 10% of hospital and nursing home charges after the first day and that the existing deductible for medical services be increased from \$60 to \$77 annually.

The savings from placing a limit on increases in medicare payment rates and some of the revenue from increased cost sharing will be used to finance the catastrophic illness program.

I feel that, on balance, these proposals will provide our elder citizens with protection against catastrophic illness costs, promote efficient utilization of services, and moderate the increases in health care costs.



The legislative proposals which I have described are only part of the over-all effort we are making on behalf of older Americans. Current conditions call for continued and intensified action on a broad front.

We have made progress in recent years. We have responded, for example, to recommendations made at the 1971 White House Conference on Aging. A Supplemental Security Income program was enacted. Social Security benefits have been increased in accord with increases in the cost of living. The Social Security retirement test was liberalized. Many inequities in payments to women have been eliminated. The 35 million workers who have earned rights in private pension plans now have increased protection.

In addition we have continued to strengthen the Older Americans Act. I have supported the concept of the Older Americans Act since its inception in 1965, and last November signed the most recent amendments into law.

A key component of the Older Americans Act is the national network on aging which provides a solid foundation on which action can be based. I am pleased that we have been able to assist in setting up this network of 56 State and 489 Area Agencies on Aging, and 700 local nutrition agencies. These local nutrition agencies for example provide 300,000 hot meals a day five days a week.

The network provides a structure which can be used to attack other important problems. A concern of mine is that the voice of the elderly, as consumers, be heard in the governmental decision-making process. The network on aging





offers opportunities for this through membership on advisory councils related to State and Area Agencies on Aging, Nutrition Project Agencies and by participation in public hearings on the annual State and Area Plans. Such involvement can and will have a significant impact on determining what services for the aging are to be given the highest priorities at the local level.

The principal goal of this National Network on Aging is to bring into being coordinated comprehensive systems for the provision of service to the elderly at the community level. I join in the call for hard and creative work at all levels -- Federal, State and Area in order to achieve this objective. I am confident that progress can be made.

Toward this end, the Administration on Aging and a number of Federal Departments and agencies have signed agreements which will help to make available to older persons a fair share of the Federal funds available in such areas as housing, transportation, social services, law enforcement, adult education and manpower -- resources which can play a major role in enabling older persons to continue to live in their own homes.

Despite these efforts, however, five percent of our older men and women require the assistance provided by skilled nursing homes and other long term care facilities. To assist these citizens, an ombudsman process, related solely to the persons in these facilities, is being put into operation by the National Network on Aging. We believe that this program will help to resolve individual complaints, facilitate important citizen involvement in the vigorous enforcement of Federal, State and local laws designed to improve health and safety standards, and to improve the quality of care in these facilities.





Today's older persons have made invaluable contributions to the strengthening of our nation. They have provided the nation with a vision and strength that has resulted in unprecedented advancements in all of the areas of our life. Our national moral strength is due in no small part to the significance of their contributions. We must continue and strengthen both our commitment to doing everything we can to respond to the needs of the elderly and our determination to draw on their strengths.

Our entire history has been marked by a tradition of growth and progress. Each succeeding generation can measure its progress in part by its ability to recognize, respect and renew the contributions of earlier generations. I believe that the Social Security and Medicare improvements I am proposing, when combined with the action programs under the Older Americans Act, will insure a measure of progress for the elderly and thus provide real hope for us all.

*Gerald R. Ford*



THE WHITE HOUSE,

February 9, 1976

BROUGHT FORWARD

EXECUTIVE

YES

Previously filed

2/23/76

Date

Name Sen. Jacob Javits

Organization \_\_\_\_\_

\_\_\_\_\_

EXECUTIVE

YES

New File Symbol

3/22/76

Date

Final Action Pres. letters

\_\_\_\_\_

\_\_\_\_\_



2/26/76

EXECUTIVE (4)  
WE5  
FC6-15  
PB17  
Main, Wm.C.

X  
THE COUNCIL OF STATE GOVERNMENTS

National Symposium  
on  
Suggested State Legislation for the Elderly  
The Mayflower  
Washington, D.C.  
Thursday, February 26, 1976

Morning Session: 9:00 State Room

Presiding: Mr. Brevard Carihfield  
Executive Director  
Council of State Governments

"Intergovernmental Roles in Aging Services" AG SOC.

Dr. Arthur Fleming, Commissioner, Administration on Aging  
Mr. Spencer Johnson, Assistant Director, Domestic Council  
Mr. William Oriol, Staff Director, U.S. Senate Special Committee  
on Aging (Sen Res 86)  
Honorable Neil Hartigan, Lieutenant Governor of Illinois  
Mayor Angelo Martinelli, City of Yonkers, New York  
Ms. Doris Dealaman, Chosen Freeholder, Somerset County, New Jersey

Lunch: 12:00 State Room

Afternoon Session: 1:00 State Room

Presiding: Dr. William C. Main  
Director, Project on Aging  
Council of State Governments

"Maintaining the Status of the Elderly in the Community - An Integrated Approach"

Dr. Alexander Comfort, Institute for Higher Studies, Santa Barbara,  
California

Dr. Dale Farabee, Farabee and Associates, Lexington, Kentucky

Discussion Panel: Mr. Albert Abrams, Secretary of the Senate,  
New York

Dr. Louise Gerrard, Executive Director, West  
Virginia Commission on Aging

Representative Richard Lindsay, Utah House of  
Representatives

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GERALD R. FORD LIBRARY





# The Council of State Governments

February 11, 1976

Mr. Spencer Johnson  
Assistant Director  
Domestic Council  
The White House  
Washington, D.C.

Dear Mr. Johnson:

We are pleased to learn that you will be able to join us for the Council of State Governments National Symposium on Aging. Our morning session (9:00) on February 26 at The Mayflower will be devoted to a review of intergovernmental responsibilities to older Americans. There will be representatives of the several levels of government addressing the subject of their respective roles in service to the elderly. We have asked each speaker to make a short statement (15 to 20 minutes) of their perception of the present and future relationship of their level of government to the several other levels in the cooperative effort to meet the special needs of older citizens. We would be honored to have you make such a statement on behalf of The White House.

If there is any way in which we can provide further information or service, please call on us.

Respectfully,

William C. Main  
Director  
Project on Aging



WCM:bb

*right after Dr. Fleming - probably before 9:30 A*

THE WHITE HOUSE  
WASHINGTON

2-11 Called to say  
SCG will speak 26th -  
They will send  
written info.



THE WHITE HOUSE  
WASHINGTON

2/9/76

TO:

*Spencer*

FROM: STEVE MCCONAHEY

*Cheryl Cooran 6560*

For your information \_\_\_\_\_

Comments:

*Please note Arts  
recommendation.*

*Let me know ASAP  
if its okay with you.*

*Called ok 2/9 84*



THE WHITE HOUSE

WASHINGTON

February 4, 1976

MEMORANDUM FOR:

ART QUERN

FROM:

STEVE McCONAHEY *SM*

SUBJECT:

Attendance at the Council  
of State Governments  
Meeting on the Aging

I recommend that you consider representing the White House at this meeting and address the Symposium on the morning of February 26th at the Mayflower. I would suggest that Sarah, Spence or anyone else interested attend the other meetings. However, I think you would be the most appropriate spokesman for the entire group.

Please let me know of your decision as soon as possible.

*Stene,  
This should rather be  
Spencer or Sarah  
A*

Attachment





# The Council of State Governments

November 13, 1975

Mr. James H. Falk  
Associate Director  
Domestic Council  
The White House  
Washington, D. C. 20500

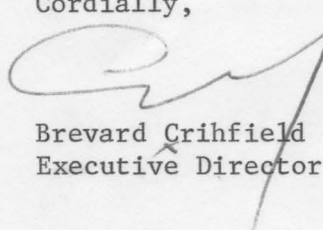
Dear Jim:

You will recall that I promised to send you a letter concerning the National Symposium on Aging that will be held in Washington on Thursday and Friday, February 26-27, 1976. These sessions will be the culmination of a cooperative HEW-CSG project designed to prepare and disseminate the best possible suggested state legislation in the field of services and assistance to senior citizens. A major portion of the attendance will come from state and local elected officials and administrators of programs for the aging.

The National Symposium will come at a point in the project when we have identified priority issues for States through regional forums. We will have drafted suggested state statutes and will be considering policy issues highlighted in the forums. The purpose of the Symposium will be to explore the broader implications of these issues for the quality of life of older Americans. Naturally, the thrust of federal goals and priorities in this area is of great import, and our activities would be greatly enhanced by White House participation. We would be honored if the President or his representative would address the Symposium on the morning of February 26 at the Mayflower Hotel in Washington.

Dr. Arthur Fleming, Commissioner of the Administration on Aging, joins me in urging that The White House and Domestic Council play an appropriate role in the Symposium. Dr. Fleming has over the years worked with us on a number of projects which sought to improve inter-governmental relations. Both of us believe that this is another worthy effort in that direction.

Cordially,

  
Brevard Carihfield  
Executive Director

BC:id



DEC 8 1975  
CENTRAL FILES

GENERAL  
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PA17  
FC615

# The Council of State Governments

November 13, 1975



Name	Date
Cathy Cochran	1-28-76

Mr. James H. Falk  
Associate Director  
Domestic Council  
The White House  
Washington, D. C. 20500

Dear Jim:

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Cordially,

Stewart Criffield  
Executive Director

BC:ld

DEC 8 1975  
CENTRAL FILES