



## The Obama Administration's First Year A Progress Report on AAUW Priority Issues

On Jan. 20, 2009, President Barack Obama took the oath of office and declared that a new day had dawned for America. The historic inauguration was a moment of great optimism and hope, but one that occurred during a time of great trial and challenge for the nation. In assessing the quarter-point of President Obama's first term, the juxtaposition of hope and optimism along with trial and challenge could be seen as the overarching theme of his first year in the White House. While the economy has improved markedly from where it was a year ago, job losses continue to mount and unemployment remains worryingly high. The House and Senate have each passed versions of healthcare reform legislation, but the many differences between the bills have not been ironed out and final passage is still in question. President Obama signed legislation overturning the Supreme Court's 2007 *Ledbetter* decision, but the gender pay gap remains stubbornly in place. On issue after issue—from pay equity to work-life balance, from access to higher education to securing civil and reproductive rights—there are reasons to celebrate and reminders that give us pause.

On balance, AAUW is proud to report that notable progress has been achieved on a number of our top-line issues over the last year. The first piece of legislation President Obama signed was the Lilly Ledbetter Fair Pay Act (S. 181), a critical first step in the fight for pay equity that reversed the U.S. Supreme Court's disastrous 2007 *Ledbetter* decision.<sup>1</sup> AAUW was a leading voice in the effort to get the bill signed and had a front row seat—literally—when President Obama signed it into law. AAUW was further pleased that many of our top funding priorities were included in the economic recovery package known as the American Recovery and Reinvestment Act: tax credits for working families, extended unemployment insurance for those out of work, and increased assistance to help students pay for college.<sup>2</sup> AAUW was also pleased to support the confirmation of Justice Sonia Sotomayor, who became the first Latina and only the third woman Supreme Court justice in our nation's history.<sup>3</sup>

*“The time has come to reaffirm our enduring spirit; to choose our better history; to carry forward that precious gift, that noble idea passed on from generation to generation: the God-given promise that all are equal, all are free, and all deserve a chance to pursue their full measure of happiness.”*

In addition, President Obama signed into law hate crimes prevention legislation—more than a decade after it was first introduced—which adds gender, sexual orientation, gender identity, and disability to the list of protected categories.<sup>4</sup> President Obama created the White House Council on Women and Girls, which has addressed a number of critical policy issues facing working women and their families and has often reached out to AAUW for information and support. The Obama administration has also formally endorsed some AAUW-supported legislative measures, including the Healthy Families Act and the Student Aid and Fiscal Responsibility Act, critical bills that would enhance work-life balance and access to higher education, respectively.<sup>5</sup>

The benchmarks for this report are derived from policy positions laid out in AAUW's [Federal Policy Agenda](#) and member-adopted [Public Policy Program](#).<sup>6</sup> While AAUW has been mostly pleased with the progress made on our priority issues in its first year, we do believe that the Obama administration can and

must do more to break through barriers for women and girls. We will continue to encourage the administration to use its bully pulpit to advance the Paycheck Fairness Act, a bill AAUW has championed that would provide a much-needed update to the Equal Pay Act of 1963. That same pulpit should have been employed to protect reproductive rights in health care reform; it's not too late for the president to do so. AAUW also believes the administration could and should move much more quickly to fill key executive and judicial branch slots, the Senate's advice and consent notwithstanding. And we will resist any potential administration effort that would create a commission with authority to fast-track cuts to Social Security or Medicare, two bedrocks of our social safety net.

## Promote Women's Economic Security

In December 2007, 7.5 million Americans were out of work and the nation's unemployment rate stood at 4.9 percent; by December 2009, the number of unemployed Americans has more than doubled to 15.3 million, and the unemployment rate currently stands at 10 percent.<sup>7</sup> While the number of job losses has slowed in recent months, the nation's economy remains battered and bruised. For the past quarter of a century, American families have increasingly relied on women's wages to make ends meet, and this trend has continued unabated during the so-called "Great Recession," where most of the job losses have been in fields traditionally dominated by men. In fact, during President Obama's first year, American women actually reached an historic first: as detailed by [The Shriver Report: A Woman's Nation Changes Everything](#), women now comprise 50 percent of the paid workforce for the first time in history, and two-thirds of mothers are either the primary or co-breadwinners for their families.<sup>8</sup> Yet almost 50 years after passage of the Equal Pay Act, the U.S. Census Bureau reported that women on average earned only 77 cents compared to men in 2008, which is actually a slight *drop* in average earnings from 2007.<sup>9</sup> In other words, achieving pay equity is not just a moral issue; it is economic imperative with enormous implications not just for women but for working families, communities and the nation's economic recovery.

### Promote Pay Equity

President Obama took an important step forward in the fight for pay equity when he signed the Lilly Ledbetter Fair Pay Act on Jan. 29, 2009—the first bill he signed into law as president. The new law restores the long-standing interpretation of civil rights laws and Equal Employment Opportunity Commission policies that allows employees 180 days to challenge each discriminatory paycheck they receive; moreover, it effectively overturns the Supreme Court's 2007 misstep in *Ledbetter v. Goodyear Tire & Rubber Co.*<sup>10</sup> As President Obama stated in his ceremonial remarks that day, "Ultimately, equal pay isn't just an economic issue for millions of Americans and their families; it's a question of who we are—and whether we're truly living up to our fundamental ideals."<sup>11</sup>

To truly live up to the president's words, however, Congress needs to take further action and the Obama administration needs to make a strong public case for additional legislation aimed at closing the pay gap. The Ledbetter bill was an important victory but only restores the law to where it was before the Supreme Court's decision. AAUW is leading the way on the next critical step: passage and signing of the Paycheck Fairness Act (S. 182/H.R. 12), a comprehensive bill that updates the Equal Pay Act of 1963 by creating stronger incentives for employers to follow the law, empowering women to negotiate for equal pay, and strengthening federal outreach and enforcement efforts.<sup>12</sup> The bill is currently pending before the Senate, and more than one-third of senators have signed on as co-sponsors. Passing this legislation—which the House approved in January 2009 with a greater bipartisan majority than it did the Ledbetter bill—is the next logical step.<sup>13</sup> A strong public endorsement by the White House, and from the president who co-sponsored the measure as a senator, is crucially needed to shake the Senate out of its inertia on this issue.

## Improve and Advance Equal Opportunity

Early in his tenure, President Obama worked to restore gender equity issues as a priority within the executive branch. In March 2009, in honor of Women’s History Month, President Obama signed an executive order creating the [White House Council on Women and Girls](#).<sup>14</sup> The creation of such a council was an idea [spurred on by AAUW in a December 2008 letter](#)—signed by more than 40 groups—to the Obama transition team. The letter urged the new administration to restore and strengthen all offices that in past administrations have played a fundamental role in protecting and advancing equity for women and girls. AAUW Executive Director Linda Hallman, CAE, was an invited guest at the executive order signing ceremony.

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The council is led by top administration officials: Valerie Jarrett, senior adviser to the president, and Tina Tchen, director of the Office of Public Engagement. During its first year, the council held a number of events on issues that affect working women and their families, particularly improving women’s economic standing, educational attainment, and health care. AAUW was present at a number of these events, and kept in close contact with the council’s leadership throughout President Obama’s first year. Per its executive order, the council was mandated to develop a federal interagency plan that assesses the current efforts of every member executive agency or department to further the progress and advancement of women and girls. While this report was supposed to have been submitted to the president within the council’s first five months, the review process has

taken longer than anticipated. The plan, now anticipated in the first quarter of 2010, will also recommend additional programs and initiatives that the task force should study. AAUW looks forward to the report’s release and continuing to work closely with the council during 2010.

President Obama further demonstrated his commitment to working families by creating the [White House Task Force on Middle Class Working Families](#) in his second week in office.<sup>15</sup> The task force is chaired by Vice President Joe Biden, and each Cabinet department has a representative serving on the panel. Like the White House Council on Women and Girls, the Task Force’s goals coincide with AAUW’s: expanding education opportunities, lifting wages, achieving work-life balance, and protecting retirement security. AAUW Executive Director Linda Hallman spoke about the importance of women and girls in the science, technology, education, and mathematics (STEM) fields at its initial staff briefing at the White House’s request. To date, the task force has held field hearings and released a number of reports on issues such as the impact of the economic recovery act, improved access to higher education, and the strong need for comprehensive health care reform.<sup>16</sup>

AAUW would like to see further federal efforts to improve and advance equal opportunities for women. The administration has a number of tools at its disposal in order to make significant—and, in some instances, immediate—progress that does not require resorting to the often-cumbersome legislative process. These efforts can include a variety of initiatives throughout the executive branch:

- Issuing guidance on the permissibility of gender-based affirmative action.
- Rescinding Small Business Administration regulations that negatively affected the Women’s Procurement Program.
- Reinstating the Equal Opportunity Survey, to enable targeting of the Labor Department’s enforcement efforts by requiring all federal contractors to submit data on their employment practices such as hiring, promotions, terminations, and pay. AAUW was part of a coalition that

recently met with Patricia Shiu, the director of the Office of Federal Contract Compliance (OFCCP), where the reinstatement request was officially made.

- Ensuring adequate enforcement of all civil rights laws through sufficient funding and staffing of the EEOC, the OFCCP, and the various civil rights divisions. AAUW was pleased to see, for instance, a \$6.2 million increase (6.4 percent) for the budget of the U.S. Department of Education’s Office for Civil Rights<sup>17</sup> as well as a \$22 million increase (18 percent) for the budget of the U.S. Department of Justice’s Civil Rights Division to strengthen civil rights enforcement against racial, ethnic, sexual preference, religious, and gender discrimination; the Department of Justice funding increase will in part go toward the hiring of several additional attorneys who will work to enforce our critical civil rights protections.<sup>18</sup> These entities should give special attention to strengthening enforcement of laws prohibiting wage discrimination, as well as pregnancy and care-giving discrimination—two areas where claims are on the rise.
- Creating an interagency civil rights task force to leverage resources, establish priorities, and ensure a coordinated approach for the federal government’s equal opportunity efforts—both as an employer and a contract administrator.
- Convening an advisory group to help reinvigorate the U.S. Department of Labor’s Women’s Bureau, the only federal agency devoted to the concerns of women in the workplace. Critical steps include reviving the regional office structure and reconsidering the staff outsourcing plan initiated in 2006. The Obama administration’s nominee to direct the Women’s Bureau, Sara Manzano-Diaz, has not yet been confirmed by the Senate.

### Support Work and Life Balance

AAUW believes that creating [a work environment that helps employees balance the responsibilities of work and family is good public policy](#). However, despite the Family and Medical Leave Act (FMLA) and a patchwork of state laws and employer-based benefits, family and personal sick leave remain elusive for many working Americans. According to the *Shriver Report*, only *nine* percent of civilian workers in America have access to dedicated paid family leave.<sup>19</sup> And despite the landmark passage of the FMLA nearly two decades ago, roughly half of all workers are not even covered by the FMLA’s *unpaid* leave protections due to various employment circumstances.<sup>20</sup> Moreover, 43 percent of the private sector workforce has no paid sick days.<sup>21</sup> The United States has simply not done enough to ensure that workers don’t have to make the choice between caring for themselves and their families versus keeping their jobs.

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AAUW was pleased to see President Obama sign the Airline Flight Crew Technical Corrections Act in December 2009, which ensures that flight attendants and airline pilots qualify for FMLA’s protections and thus extends the number of workers covered under the FMLA umbrella.<sup>22</sup> In a statement announcing the signing, the White House asserted that FMLA “has been a bulwark of our nation’s employment laws for more than a decade,” but noted that “more work remains to support workers and their families.”<sup>23</sup> AAUW could not agree more, and we will continue to make the case that improvements to FMLA are sorely needed.

Eleventh-hour regulations published in November 2008 by the outgoing Bush administration make it harder for most workers to reap the benefits of FMLA.<sup>24</sup> While those regulations contain a few good provisions expanding FMLA benefits for military families, the new rules make it harder for most workers to take FMLA leave and also present a concern for workers’ medical privacy. AAUW submitted comments during the prior administration’s rule-making process, expressing concern with a number of provisions in the proposed regulations that were unfortunately retained in the final rule. AAUW was

pleased to see that the Obama administration has taken notice: the FMLA regulations at issue were included in the Department of Labor's Fall 2009 Regulatory Plan, and is slated for action in November 2010.<sup>25</sup>

Other important expansions to FMLA are necessary to support working families. AAUW would like the administration to work with Congress to end the unpaid status of FMLA and expand the number of people able to access FMLA leave. AAUW supports adding job protection for other important family responsibilities within FMLA, such as attending parent-teacher conferences and accompanying an adult child or ill sibling on doctor's visits, as well as including coverage for victims of domestic violence.

AAUW was reassured to note that the Obama administration "supports the goal"<sup>26</sup> of the Federal Employees Paid Parental Leave Act (H.R. 626/S. 354), which passed the House in bipartisan fashion in June 2009.<sup>27</sup> This legislation would provide federal workers with up to four weeks of paid leave for the birth or adoption of a child, and is currently pending before the Senate's Homeland Security and Government Affairs Committee. Passing the bill would be a significant step toward paid parental leave for all Americans, as the federal government's action would hopefully inspire private sector employers to

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follow suit. As the Office of Management and Budget noted in the Statement of Administration Policy, "the Federal government...should [help] Federal employees to care for their families as well as serve the public."<sup>28</sup> AAUW would like to see a stronger statement of support from the Obama administration on this bill in order to help it gain traction in the Senate.

Fortunately, the Obama administration has been more direct and vocal in its support for passage of the Healthy Families Act (H.R. 2460/S. 1152), which would provide seven accrued, prorated paid sick days for workers. In November 2009, before a hearing of the Senate Health, Education, Labor, and Pensions (HELP)

Committee on the importance of paid sick days in light of the H1N1 pandemic, Deputy Labor Secretary Seth Harris testified in support of the Healthy Families Act, calling it "an important opportunity to provide workers with economic security by assuring that they have the ability to stay home if they are sick without fear of losing their jobs or being forced to go to work sick because they cannot afford to stay home."<sup>29</sup> Two days later, Secretary of Labor Hilda Solis voiced her support for the bill in a blog post on the White House Middle Class Task Force website, discussing the importance of such legislation for the 3.7 million working adults with children under 14 who have no other adult family members with whom to share caregiver responsibilities.<sup>30</sup> Secretary Solis said that "workers who take leave because they or their children become sick must not lose their jobs or risk some other form of disciplinary action by their employers."<sup>31</sup> AAUW hopes that the president will follow suit with similar statements of public support.

### **Improve Retirement Security**

AAUW believes that Social Security is particularly important to the economic security of women. More than half of older women would fall into poverty without Social Security benefits.<sup>32</sup> In addition, 46 percent of all nonmarried (divorced, widowed, or never married) women ages 65 and older get 90 percent or more of their income from Social Security, compared with 35 percent for men in that age group.<sup>33</sup> And because women live longer, they depend on Social Security for more years than do men, meaning that women can literally outlive their benefits from a private account.

AAUW was pleased to note that, through the economic recovery package, the federal government distributed one-time, \$250 economic recovery payments to people who receive Social Security and Supplemental Security Income (SSI) benefits in May 2009; more than \$16 billion was sent to 64 million Americans.<sup>34</sup>

However, AAUW is deeply concerned by growing speculation that either Congress (via legislation) or the Obama administration (via executive order) is intent on creating a special commission with the power to cut Social Security and Medicare as a means of reducing the federal budget deficit. Several senators have even threatened to hold up other budget legislation unless a debt-reducing, entitlement-cutting commission is established. This commission's recommendations would be crafted behind closed doors, the normal process of debate would be ignored, and no amendments would be allowed before a congressional vote. The goal of this 'all or nothing' commission would be to fast-track cuts to these critical programs. [AAUW and its members strongly oppose](#) any creation of an undemocratic, non-transparent commission. While reforms to extend the long-term solvency of these two bedrocks of the social safety net would be welcome, such a 'cloak and dagger' process is not at all conducive to that goal.

### **Promote Solutions for Health Care Security**

Access to quality and affordable health care for all Americans is vitally important. Currently, 46.3 million Americans are uninsured,<sup>35</sup> and middle-class families are the fastest growing segment in this group.<sup>36</sup> The economic security of families depends on the affordability and availability of health care. AAUW is concerned because women are particularly vulnerable in this respect. Not only are they less able to afford insurance or care because of pay disparities over the life span, but women also face unstable coverage when subject to their spouses' plans, higher premiums in the individual market, a lack of access based on more prevalent preexisting conditions, and higher out-of-pocket costs than men.<sup>37</sup> As a result, women are more likely to have medical bills they cannot pay and long-lasting debt problems.<sup>38</sup>

Perhaps no other issue—other than the economy—so clearly dominated the political landscape of the Obama administration's first year than health care reform. The entire weight of the White House was put behind the reform effort, and both congressional chambers spent months crafting and passing legislation. Throughout the process, which saw the House and Senate produce separate bills that contained several key differences, AAUW monitored the debate and fought hard for the inclusion of our main priorities. The House and Senate tackled these priorities with varying degrees of success, and AAUW will continue its efforts to ensure that the final bill reaching the president's desk contains the following three principles:

- **Ends the practice of “gender rating”:** Gender rating is the process by which insurance companies charge women higher premiums than men—in some cases up to 48 percent more—when purchasing identical health care plans solely because of gender.<sup>39</sup> Both the House and Senate bills institute a ban on gender rating. While the House bill extends this ban to all insurance markets, the Senate bill extends the ban only to the individual and small group markets; large group markets (defined as groups with more than 101 employees) would be exempt from this ban. AAUW aims to see the House language included in the final bill, and urges the White House to call for its adoption.
- **Require coverage of women's reproductive health services:** AAUW has long believed that politicians should not insert themselves into a woman's reproductive health decision-making, which is a basic element of women's health care overall. As a result, AAUW firmly believes that health care reform legislation should require coverage of women's reproductive health services. Unfortunately, the House bill includes the Stupak amendment, which would effectively ban private insurance coverage of abortion (the Stupak amendment is discussed in more detail in the civil rights section of this report). The Senate voted down a version of the Stupak amendment, but does include the troublesome Nelson rider provision with regard to abortion coverage. AAUW believes that the final bill should, at the very least, not take any steps backward with respect to reproductive health coverage.

- **Ensure access to and coverage of preventive services and care:** According to the Centers for Disease Control and Prevention, the two leading causes of death for women in America are heart disease and cancer<sup>40</sup>—afflictions that can often be prevented if women have access to preventive care services such as screenings, immunizations, and educational material. Meaningful health care reform must go beyond treatment of existing diseases; Congress must devote substantial resources to promoting prevention and wellness as well. Both the House and Senate bills require coverage of preventive services and care, but the Senate bill goes further by incorporating Sen. Barbara Mikulski’s (D-MD) Women’s Health Amendment, which devotes substantial resources toward additional such coverage. AAUW supported that amendment and urges the president to join us in advocating that it be retained in the final bill.

Finally, as part of the economic recovery package prior to the debate on comprehensive health care reform, Congress and the Obama administration provided for meaningful COBRA subsidies, allowing more American families to afford valuable preventive care in the event of job loss.<sup>41</sup> The package contained increased investments in health information technology as well, an administration priority that AAUW supported.<sup>42</sup>

## Expand Educational Opportunities for Women and Girls

Since our founding in 1881, AAUW has believed that quality public education is the foundation of a democratic society. President Obama has taken strides to help ensure an equitable, bias-free public education system and responsible funding for all levels of education. The Obama administration has made historic commitments to pursuing programs aimed at [strengthening science, technology, engineering, and mathematics \(STEM\) education](#), closing the achievement gap, and [increasing access to higher education](#). AAUW looks forward to a similar, sustained commitment on the administration’s part to [protect and strengthen Title IX](#).

### Strengthening STEM Education

AAUW supports the promotion and strengthening of science, technology, engineering, and mathematics (STEM) education, especially for girls and other underrepresented populations in the fields. By 2010, one in four new jobs will be “technically oriented” or will involve computers.<sup>43</sup> However, we have not prepared girls sufficiently for this new economy. Girls still do not perform as well as boys on National Association of Education Progress (NAEP) math and science assessments.<sup>44</sup> Early indicators such as these have directly affected our current STEM workforce. For example, only 27 percent of computer and mathematical professionals are women.<sup>45</sup> To close this gap, AAUW supports efforts that train teachers to encourage girls and other underrepresented groups to pursue STEM careers.

The economic recovery package contained \$400 million for the America COMPETES Act, an AAUW-supported law that seeks to produce additional science and math teachers through expanded scholarships and training.<sup>46</sup> In November 2009, AAUW was in attendance at the White House when President Obama launched his “Educate to Innovate” campaign, a public-private partnership aimed at reaching more than 10 million students over the next four years to inspire a new generation to achieve excellence in science and mathematics, thanks to a commitment of over \$260 million in various investments.<sup>47</sup> The White House invited AAUW to its second “Educate to Innovate” event in January 2010, where President Obama honored STEM educators and mentors from across the country and announced an additional \$250 million in public-private investment to prepare more than 10,000 new math and science teachers over the next five years and provide on-the-job training for an additional 100,000 in the STEM fields.<sup>48</sup>

AAUW's commitment to gender equity in the STEM disciplines—a comprehensive approach that includes distribution of fellowships and grants, publication of research reports, and pursuit of public policy initiatives—was featured in a [presentation](#) made by AAUW Executive Director Linda Hallman in October 2009 before the National Science Foundation's Committee on Equal Opportunities in Science and Engineering (CEOSE). Members of this congressionally-mandated committee heard directly about AAUW's leadership in this area; among several other items, AAUW discussed a new research report on women and girls in the STEM fields that we expect to release in March 2010.

AAUW will continue to urge the Obama administration to call for reforms that require measuring student aptitude in science, as is currently done in reading and math. AAUW further supports the creation of a grant program for schools that would increase girls' interest in the STEM fields. Schools could use the grant funding to cover activities such as mentoring, tutoring, field trips, and after-school and summer programs.

### **Encourage Workforce Investment and Career and Technical Education**

When individuals have access to job training they are able to move into well-paying jobs, support their families, build local tax bases, and increase revenue for local businesses and government. Women and girls often experience cultural and institutional barriers to entering high-wage, high-skill jobs. And, even if they enter nontraditional career and technical education programs, women may experience sexual harassment and differential treatment in the classroom.<sup>49</sup> AAUW believes that current [vocational, career, and technical education programs](#), as well as the public assistance programs that intersect with them, must invest in women as a vital asset in the 21st-century economy.

The economic recovery package focused on a number of jobs requiring higher education; specifically, 54 percent of the 3.7 million jobs that the White House Council for Economic Advisers and the Office of the Vice President estimate will be created or saved by the American Recovery and Reinvestment Act by the end of 2010 will require at least a postsecondary certificate, with a full 37 percent of the jobs requiring an associate degree or greater.<sup>50</sup>

The 2009 omnibus appropriations act reached those hardest hit by the recession by helping to train and employ more than 350,000 workers who lost their jobs during the recession, providing at-risk youth with occupational and employment skills, and providing employment services to help more than 13 million people find jobs.<sup>51</sup> Moreover, the White House launched the "American Graduation Initiative" in July 2009, a \$12 billion proposal aimed at helping an additional five million students receive community college degrees and certificates by the year 2020.<sup>52</sup> As Congress moves to reauthorize both the Workforce Investment Act and the Temporary Assistance for Needy Families program, AAUW urges the Obama administration to strongly support gender equity efforts and nontraditional training programs.

### **Oppose Voucher Programs**

AAUW believes that the right strategy for improving our nation's schools is to direct resources toward improving public schools, rather than diverting public funds into private institutions. The country should provide an excellent education for all children, [not private school vouchers for a few](#). One program that does not live up to this ideal is the private school voucher program created in 2003 for the District of Columbia. This five-year pilot program, originally scheduled to expire in 2008, represents the first time in history that federal dollars have been used to fund private school vouchers. In June 2008 the Department of Education released a report that found "after 2 years, there was no statistically significant difference in test scores in general between students who were offered an OSP [Opportunity Scholarship Program] scholarship and students who were not offered a scholarship."<sup>53</sup> In April 2009, the Department of Education released a new report that found no improvement in academic achievement for students receiving vouchers from public schools in need of improvement—the target audience of the voucher program.<sup>54</sup>

While AAUW was disappointed that the 2009 omnibus appropriations act included one additional year of funding for the District of Columbia's voucher program, the legislation also included language to bring the program to an appropriate end. Unfortunately, Secretary of Education Arne Duncan made comments in support of keeping current students enrolled in the voucher program for the length of their school tenure, contravening the letter and the spirit of the act's compromise language and giving new life to pro-voucher advocates.<sup>55</sup> Congress eventually agreed to President Obama's proposal that would continue the program for current students until all have graduated high school, but not provide any additional federal funding for new students.<sup>56</sup> This compromise agreement notwithstanding, AAUW will continue to press the administration to live up to its campaign promises to not include private school vouchers as part of a comprehensive, national strategy on education reform.

### **Strengthen and Enforce Title IX**

Title IX of the Education Amendments of 1972, the statute prohibiting sex discrimination in educational programs that receive federal funds, protects against discrimination in [athletics](#) as well as most other educational programs that receive taxpayer dollars. AAUW has developed a strong working relationship with the Department of Education's Office for Civil Rights (OCR). Assistant Secretary Russlynn Ali's confirmation did not occur until May 2009, delaying the administration's work on Title IX issues. Fortunately, it is clear that this is a new day for Title IX. AAUW is anticipating a productive year of the Obama administration improving Title IX enforcement and technical assistance across the board—ensuring that both the letter and the spirit of the law are followed.

AAUW was in attendance when the White House hosted a roundtable discussion on Title IX's 37th anniversary in June 2009, an event that included senior White House adviser Valerie Jarrett and Title IX pioneer and tennis legend Billie Jean King.<sup>57</sup> At that event, AAUW was pleased when Secretary of Education Arne Duncan announced the distribution of \$2.4 million in grants to support projects aimed at increasing the proficiency of high school girls in science and mathematics.<sup>58</sup> The funding was made under the auspices of the Women's Educational Equity Act Program, which provides financial assistance to school districts to enhance compliance with Title IX's requirements.<sup>59</sup>

AAUW expects 2010 to be a key year for the revitalization of Title IX. We will continue to call on the administration to rescind the 2005 "Additional Clarification of Intercollegiate Athletics Policy: Three-Part Test—Part Three," under which schools can show that they are providing equal participation opportunities to women simply by sending an e-mail survey to their female students and counting a failure to respond as evidence of a lack of interest in playing sports. The OCR should make clear that the governing standards are those detailed in the 1996 Policy Clarification, which requires schools to consider a number of factors such as the opinions of coaches and administrators and participation rates in sports in surrounding high schools or recreational leagues.

Moreover, the Department of Education should, through notice and comment rule making, should begin the process of rescinding the final regulations issued in 2006 that revised long-standing rules governing [single-sex educational programs](#). The 2006 regulatory changes roll back the safeguards against sex discrimination and segregation in the U.S. Constitution and Title IX, leaving the door open for increased sex discrimination and stereotyping.

Finally, more broadly, it is clear that the OCR is in the process of transforming itself into an agency of action, rather than reaction. AAUW looks forward to the agency's stated plans to provide timely and useful technical assistance and guidance, proactive compliance reviews, and vigorous investigating of Title IX complaints. AAUW will continue to work closely with Assistant Secretary Ali throughout this process.

## Increase Access to Higher Education

AAUW has long been committed to making the dream of [higher education](#) a reality for all women. With changes in the workforce over the last century, higher education is becoming less of a luxury and more of a necessity. By 2016, an estimated nine million new jobs will likely require postsecondary education.<sup>60</sup> As the skill requirements of jobs continue to increase, so too should access to postsecondary education for all students.

The Obama administration has made a tremendous commitment to increasing access to higher education throughout its first year. AAUW has long called for increases to the Pell grant program; thanks to the economic recovery package and additional appropriations measures, the maximum Pell grant award received a vital increase for the 2009–10 school year, and additional resources were dedicated to fund work-study programs, helping millions of students go to college and stay in school.<sup>61</sup> In addition, the recovery act legislation provided for an “American Opportunity Tax Credit,” a \$2,500 tax credit for college tuition and other expenses.<sup>62</sup> This targeted investment will encourage individuals to retrain and retool through higher education—which will in turn improve their earning potential and career competitiveness.

All told, thanks to the Obama administration’s concerted efforts to help 6.9 million families pay for college, the maximum Pell grant rose to \$5,350 for the 2009–10 school year, a 13 percent increase from the FY 2009 maximum award of \$4,731.<sup>63</sup> Building on the theme of access to education, in April 2009 President Obama also signed the Edward M. Kennedy SERVE Act, which bolsters the financial award associated with national service programs like AmeriCorps.<sup>64</sup> Increasing the service award and linking it to future Pell grant increases will allow more students to attend college and help them contribute to those less fortunate—a win-win situation for all.

The Obama administration also came out in full support<sup>65</sup> of the Student Aid and Fiscal Responsibility Act (H.R. 3221), AAUW-endorsed legislation that passed the House of Representatives in a bipartisan vote in September 2009.<sup>66</sup> This legislation will make college more affordable by investing billions of dollars in student aid at no new cost to taxpayers. AAUW strongly supports the bill’s provisions to move all federal loans to the Direct Lending program by 2010, which will save the federal government and

*[SAFRA] “... takes critical steps toward achieving the President’s goal of restoring the United States to first in the world in college completion by 2020.”*

taxpayers almost \$90 billion over the next 10 years as it eliminates tax-payer funded subsidies to private lenders making student loans.<sup>67</sup> Of those savings, \$40 billion would be used to further increase Pell grant funding—resulting in a maximum Pell grant award of \$5,550 for 2010. In future years, the maximum award would automatically increase by an amount equivalent to the Consumer Price Index (CPI) plus 1percent. At this rate, the maximum Pell award is estimated to increase to \$6,900 by 2019. By indexing funding to the CPI, the Pell award will reflect inflation and will not lose value over time—a problem that has plagued the program in the past. Further, the legislation will keep interest rates low on federal student loans, simplify the process for applying for financial aid, provide funding to improve community colleges, and focus on the need to have more women and underrepresented minorities embark on STEM careers.<sup>68</sup> As

the White House made clear in its support for the legislation—which is a top AAUW priority for Senate passage in 2010—“the bill takes critical steps toward achieving the President’s goal of restoring the United States to first in the world in college completion by 2020.”<sup>69</sup>

In March 2009, in a further welcome development, the U.S. Department of Veterans Affairs released the final rule pertaining to implementation of the Post-9/11 GI Bill of Rights, AAUW-supported legislation

that was signed into law in 2008.<sup>70</sup> The final rule is a victory for our heroic men and women service members who return home and seek access to higher education, as well as the family members who support them. The Post-9/11 GI Bill of Rights provides a new educational benefit to those who have served in active duty since Sept. 11, 2001. In particular, AAUW supported the proposed regulations maintaining that service members may transfer unused education benefits to their spouse and/or children.

## Promote and Defend Civil Rights

**A** AUW supports constitutional protections for the civil rights of all individuals and opposes all forms of discrimination. Basic to all of AAUW's public policy efforts is the understanding that true equity requires a balance between the rights of the individual and the needs of the community. In that vein, AAUW's policy priorities include strengthened laws enhancing hate crimes prevention, continued attention to judicial and executive branch nominations, and repairing the damage done after decades of attacks on women's reproductive rights.

In a landmark civil rights step more than a decade of AAUW advocacy in the making, the Matthew Shepard and James Byrd, Jr. Hates Crimes Prevention Act was finally signed into law by President Obama as part of the National Defense Authorization Act in October 2009.<sup>71</sup> The new law adds gender, sexual orientation, gender identity, and disability to the list of protected categories, in addition to providing local and state law enforcement with additional training and resources.<sup>72</sup> Also, AAUW supported the Department of Education final rule which updates the hate crimes categories collected by the department to match those collected by the FBI.<sup>73</sup> This change, mandated by an AAUW-inspired provision in the 2008 Higher Education Opportunity Act, will take effect in July 2010 and will improve data, give parents and students a more accurate sense of campus safety, and provide colleges with a better picture of their campus climate.

### Create a Fair and Balanced Executive and Judicial Branch

AAUW monitors the nominations process because so many of our fundamental rights and liberties have been established and are protected by the federal courts, Supreme Court precedents, and the enforcement efforts of the executive branch. Unfortunately, a number of well-qualified nominees to executive branch positions have been held up by various procedural and political delays. Through the end of 2009, nearly one-third of President Obama's nominees to executive and judicial branch—more than 220—were still awaiting Senate confirmation.<sup>74</sup> The administration is not without responsibility for this unacceptable state of affairs, however: for example, of the 101 federal judicial positions that have been vacant during his term thus far, the president has submitted only 34 nominees for these lifetime slots.<sup>75</sup> AAUW urges the Senate to move nominees more expeditiously and the administration to move more quickly in submitting outstanding nominations.

AAUW strongly supported the [nomination of Hilda Solis to be Secretary of Labor](#), due to her strong record of support for AAUW priorities as a member of Congress. In total, there are seven women serving in Cabinet or Cabinet-level positions (out of 21 total such positions). This is the highest number of women ever to serve in Cabinet or Cabinet-level positions at the outset of a presidential administration. By comparison, President George W. Bush had four women in his original Cabinet, while President Bill Clinton had five.<sup>76</sup>

AAUW further welcomed the nomination and confirmation of Justice Sonia Sotomayor, who in August 2009 further broke through barriers for women by becoming the first Latina and only the third woman in American history to be confirmed to a seat on the U.S. Supreme Court.<sup>77</sup> Based on Judge Sotomayor's depth of legal experience—more federal judicial experience than any Supreme Court

nominee in more than 100 years<sup>78</sup>—her stellar academic credentials, and her mainstream judicial record, AAUW believes she is a strong addition to the highest court in the land. As a nonpartisan organization with members from both sides of the aisle, AAUW was especially pleased to note that Justice Sotomayor holds the unique distinction of being nominated to three federal judicial positions by three different presidents representing different political parties.<sup>79</sup> This fact is a testament to her legal experience, judicial acumen and temperament, and overall professionalism.

### **Protect Reproductive Rights**

AAUW supports the right of every woman to safe, accessible, affordable, and comprehensive family planning and reproductive health services. AAUW trusts that every woman has the ability to make her own informed choices regarding her reproductive life within the dictates of her own moral and religious beliefs. Further, AAUW believes that these deeply personal decisions should be made without governmental interference. Unfortunately, the Stupak amendment threatens to severely undermine women's access to complete and safe reproductive health care services. AAUW is proud to be part of a broad coalition working tirelessly to ensure that this amendment is not part of final health reform legislation. Comprehensive health care reform that holds the line on reproductive rights coverage is essential, as are the Obama administration's additional steps to protect and restore reproductive rights, health, and freedom in the United States and overseas.

- **Convergence against the Stupak Amendment.** Rep. Bart Stupak (D-MI) inserted an amendment into the Affordable Healthcare for America Act (H.R. 3962), passed by the House in November 2009, that would effectively ban private insurance coverage of abortion.<sup>80</sup> Current law already bans the use of federal dollars to pay for abortion, but this amendment [goes further](#) by prohibiting women who receive federal subsidies from purchasing a comprehensive insurance plan that includes abortion services. Were the Stupak amendment to become law, millions of women who have such coverage now—87 percent of private health insurance plans include abortion coverage<sup>81</sup>—would lose it, effectively ending coverage for abortion services and instituting what amounts to a domestic gag rule. Fortunately, the Senate defeated its version (the Nelson/Hatch amendment) of the Stupak amendment,<sup>82</sup> and the focus has now shifted to ensuring that the final, merged bill does not contain this onerous language. AAUW is a proud partner in this fight.
- **Prevention of Unintended Pregnancies.** AAUW is a strong believer in funding family planning programs to prevent unintended pregnancies. The 2009 omnibus appropriations act increased funding for critical family planning programs by \$317 million.<sup>83</sup> These funds will provide the majority of critical reproductive services to low-income women. Similarly, AAUW was glad to see the inclusion of provisions to reinstate affordable birth control at safety-net and university health centers.<sup>84</sup> AAUW was especially gratified to see that the omnibus appropriations act also substantially *decreased* funding to abstinence-only programs, which sends a strong message about the importance of medically accurate and age-appropriate sex education.<sup>85</sup> The FY2010 consolidated appropriations act built on those successes by replacing two separate “abstinence-only” programs<sup>86</sup> with a \$114 million Teen Pregnancy Prevention Program that will apply evidence-based practices to reduce the incidence of unplanned pregnancies among the nation's youth.<sup>87</sup> Two other successes included a \$17 million increase in funding for Title X family planning programs and a lifting of the ban on Washington, D.C.'s ability to use locally-raised funds to pay for abortion care for low-income residents of the nation's capital.<sup>88</sup>
- **Assistance for International Family Planning.** During his first week in office, President Obama issued a presidential memorandum that overturned the Mexico City policy, otherwise known as the global gag rule.<sup>89</sup> This restriction prohibited overseas organizations that receive U.S.

international family planning funds from providing abortion services and from advocating for changes in abortion policy—even with their own private funds. AAUW opposed the global gag rule because it forced family planning providers to choose between providing a full range of reproductive health information and services or receiving vital U.S. family planning funds. Thanks to President Obama, these providers no longer have to make that difficult choice. In addition, the U.S. Department of State issued a notice in March 2009 that the United States would resume supporting the United Nations Population Fund, starting with a \$50 million contribution as provided for by the omnibus appropriations act.<sup>90</sup> The Bush administration had withheld such contributions for political reasons, despite the fund’s critical role in providing access to voluntary family planning programs for low-income women around the world. The FY2010 consolidated appropriations act further includes increases of \$103 million for international family planning and \$54 million for maternal and child health.<sup>91</sup>

- **Rescission of Department of Health and Human Services (HHS) Regulations.** The Obama administration has taken the first steps toward overturning President George W. Bush’s harmful HHS regulations, via a notice of proposed rulemaking that was published in the Federal Register in March 2009.<sup>92</sup> The Bush regulations, which went into effect the day he left office, severely limit women’s access to basic reproductive health and family planning services, including some of the most common forms of birth control. AAUW opposed these regulations on the grounds that they fail to strike the critical balance between patients’ rights to care and the moral and religious beliefs of health care providers. AAUW believes that rescission would help restore that balance, and so along with thousands of our member activists, sent [comments](#) in strong support of the Obama administration’s proposed rule. Unfortunately, the Obama administration has not yet issued a final notice formally overturning these regulations, but AAUW expects such action to occur in 2010.

## Conclusion

Overall, AAUW looks back on the first year of the Obama administration as one in which important progress was made on many of our core issues. Over the last 128 years, however, we have become known as an organization that does not rest on our laurels and does not stop until the job is done. We look forward to further successes in 2010 and beyond, and in so doing we will continue to be guided by the words of the late Sen. Edward Kennedy, who died during the president’s first year in office: “the work goes on, the cause endures, the hope still lives, and the dream shall never die.”

For more information about AAUW and its advocacy work, contact the Department of Public Policy and Government Relations at 202/785-7793 for VoterEd@aauw.org. To join AAUW and find out more about our membership and programming, visit [www.aauw.org](http://www.aauw.org).

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