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MEETING WITH SECRETARY
WEINBERGER
Saturday, May 17, 1975
10:30 a.m. (1 hour)
TITLE IX

JOCKS

FOR

JILLS

Reagan's live -
Think of all the votes lost if
we gut college football -

By way of [5/17/75]

Not A D Decision

From now on to
Review for ideas

Application of
support of

Rep. H. W. has
proposed

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appropriate

Next remaining pts of
Bill - Not under
CAP - And DE



TH

cap will stand as by returning
to press the cabinet room

of regulations -

Parsons was a
lawyer

Liberal - Vietnam

Veto - issue



* next staff meeting. Pumping on
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Pumpfed
Cherry - to be utilized

P - order to

give out
water this
or later
on as intended

P - Publications in area
field.



- the one -

Longer see the report to
Vol 45 - Jay -

If don't take them,
use new legislation -
within the election
2 - hours veto.

Times of Publication

Open Times a week.

Briefs

Re May 30

Effect - July 18



~~4~~ Bus - to Studi

tomorrow



THE WHITE HOUSE
WASHINGTON

May 16, 1975

Memo To: Jim Cannon
From; Dick Parsons
Subject; Title IX

Title IX of the Education Amendments of 1972
provides, in pertinent part:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance"

APPLICATION OF PROVISIO OF SECTION 407 (a) OF THE CIVIL RIGHTS ACT OF 1964 TO THE ENTIRE UNITED STATES

73 Stat. 248.
42 USC 2000c-6.

42 USC 2000c.

SEC. 806. The proviso of section 407 (a) of the Civil Rights Act of 1964 providing in substance that no court or official of the United States shall be empowered to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards shall apply to all public school pupils and to every public school system, public school and public school board, as defined by title IV, under all circumstances and conditions and at all times in every State, district, territory, Commonwealth, or possession of the United States regardless of whether the residence of such public school pupils or the principal offices of such public school system, public school or public school board is situated in the northern, eastern, western, or southern part of the United States.

TITLE IX—PROHIBITION OF SEX DISCRIMINATION

SEX DISCRIMINATION PROHIBITED

Exceptions.

SEC. 901. (a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

(1) in regard to admissions to educational institutions, this section shall apply only to institutions of vocational education, professional education, and graduate higher education, and to public institutions of undergraduate higher education;

(2) in regard to admissions to educational institutions, this section shall not apply (A) for one year from the date of enactment of this Act, nor for six years after such date in the case of an educational institution which has begun the process of changing from being an institution which admits only students of one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education or (B) for seven years from the date an educational institution begins the process of changing from being an institution which admits only students of only one sex to being an institution which admits students of both sexes, but only if it is carrying out a plan for such a change which is approved by the Commissioner of Education, whichever is the later;

(3) this section shall not apply to an educational institution which is controlled by a religious organization if the application of this subsection would not be consistent with the religious tenets of such organization;

(4) this section shall not apply to an educational institution whose primary purpose is the training of individuals for the military services of the United States, or the merchant marine; and

(5) in regard to admissions this section shall not apply to any public institution of undergraduate higher education which is an institution that traditionally and continually from its establishment has had a policy of admitting only students of one sex.

(b) Nothing contained in subsection (a) of this section shall be interpreted to require any educational institution to grant preferential or disparate treatment to the members of one sex on account of an

86 STAT. 375
80 Stat. 392.
5 USC 701.

with chapter 7 of title 5, United States Code, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of section 701 of that title.

PROHIBITION AGAINST DISCRIMINATION AGAINST THE BLIND

SEC. 904. No person in the United States shall, on the ground of blindness or severely impaired vision, be denied admission in any course of study by a recipient of Federal financial assistance for any education program or activity, but nothing herein shall be construed to require any such institution to provide any special services to such person because of his blindness or visual impairment.

EFFECT ON OTHER LAWS

SEC. 905. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

AMENDMENTS TO OTHER LAWS

78 Stat. 246,
266.

SEC. 906. (a) Sections 401(b), 407(a)(2), 410, and 902 of the Civil Rights Act of 1964 (42 U.S.C. 2000c(b), 2000c-6(a)(2), 2000c-9, and 2000h-2) are each amended by inserting the word "sex" after the word "religion".

75 Stat. 71.
77 Stat. 56.
29 USC 206.

(b) (1) Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by inserting after the words "the provisions of section 6" the following: "(except section 6(d) in the case of paragraph (1) of this subsection)".

80 Stat. 831.

(2) Paragraph (1) of subsection 3(r) of such Act (29 U.S.C. 203(r)(1)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

(3) Section 3(s)(4) of such Act (29 U.S.C. 203(s)(4)) is amended by deleting "an elementary or secondary school" and inserting in lieu thereof "a preschool, elementary or secondary school".

INTERPRETATION WITH RESPECT TO LIVING FACILITIES

SEC. 907. Notwithstanding anything to the contrary contained in this title, nothing contained herein shall be construed to prohibit any educational institution receiving funds under this Act, from maintaining separate living facilities for the different sexes.

TITLE X—ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

ASSISTANCE TO INSTITUTIONS OF HIGHER EDUCATION

Ante, p. 247.

Sec. 1001. (a) Part A of Title IV of the Higher Education Act of 1965 is amended by inserting at the end thereof the following new subpart:

"Subpart 5—Assistance to Institutions of Higher Education

"PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

"SEC. 419. (a) Each institution of higher education shall be entitled for each fiscal year to a cost-of-education payment in accordance with the provisions of this section.

imbalance which may exist with respect to the total number or percentage of persons of that sex participating in or receiving the benefits of any federally supported program or activity, in comparison with the total number or percentage of persons of that sex in any community, State, section, or other area: *Provided*, That this subsection shall not be construed to prevent the consideration in any hearing or proceeding under this title of statistical evidence tending to show that such an imbalance exists with respect to the participation in, or receipt of the benefits of, any such program or activity by the members of one sex.

(c) For purposes of this title an educational institution means any public or private preschool, elementary, or secondary school, or any institution of vocational, professional, or higher education, except that in the case of an educational institution composed of more than one school, college, or department which are administratively separate units, such term means each such school, college, or department. Definition.

FEDERAL ADMINISTRATIVE ENFORCEMENT

SEC. 902. Each Federal department and agency which is empowered to extend Federal financial assistance to any education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 901 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however*, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

Report to
congressional
committees.

JUDICIAL REVIEW

SEC. 903. Any department or agency action taken pursuant to section 1002 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 902, any person aggrieved (including any State or political subdivision thereof and any agency of either) may obtain judicial review of such action in accordance

Jmc

THE WHITE HOUSE

WASHINGTON

May 16, 1975

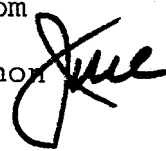
MEETING WITH SECRETARY WEINBERGER

Saturday, May 17, 1975

10:30 a.m. (1 hour)

The Cabinet Room

From: Jim Cannon



I. PURPOSE

Secretary Weinberger has requested this meeting to present the final HEW Title IX - Regulations on Sex Discrimination. This is not a decision meeting.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

- A. Background: Secretary Weinberger has formally submitted HEW's proposed regulation for implementation of Title IX of the Education Amendments of 1972 to you for approval. The regulation is highly controversial and Cap has requested this meeting so that he can provide you with the Department's rationale on some of the more explosive aspects. Following the meeting, we will prepare a final decision paper for you. (Attached is a more detailed memorandum concerning the regulation for your review.)
- B. Participants: Secretary Weinberger, Jack Marsh, Robert Hartmann, Jim Lynn, Paul O'Neill, Rod Hills, Jim Cannon and Dick Parsons, Pat Lindh.
- C. Press Plan: Meeting not to be announced.

III. TALKING POINTS

- 1. Cap, my staff tells me that you've done an admirable job in developing this regulation for implementing Title IX.
- 2. Cap - What will be the reaction of the women's groups to these regulations?
- 3. What impact will this have on inter-collegiate sports?

THE WHITE HOUSE

WASHINGTON


May 20, 1975

MEETING WITH SECRETARY WEINBERGER

Tuesday, May 20, 1975

4:00 p.m. (1 hour)

The Cabinet Room

From: Jim Cannon 

I. PURPOSE

Secretary Weinberger has requested this meeting to present the final HEW Title IX - Regulations on Sex Discrimination.

II. BACKGROUND, PARTICIPANTS & PRESS PLAN

A. Background: Secretary Weinberger has formally submitted HEW's proposed regulation for implementation of Title IX of the Education Amendments of 1972 to you for approval. The regulation is highly controversial and Cap has requested this meeting so that he can provide you with the Department's rationale on some of the more explosive aspects. (Attached is a more detailed memorandum concerning the regulation for your review.)

This meeting follows up your May 17 meeting with Cap on this subject.

B. Participants: Secretary Weinberger, Jack Marsh, Robert Hartmann, Jim Lynn, Paul O'Neill, Rod Hills, Jim Cannon, Dick Parsons, and Pat Lindh.

C. Press Plan: White House photographer.

III. TALKING POINT

1. Jim (Cannon), why don't you set the ground rules for this meeting?