

U.S. FORUM CONNECTION #171, MARCH 2018

This publication is intended for your information about issues important to education, women and children. How you choose to use the information included here is up to you.

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PAYCHECK FAIRNESS ACT

In this session of Congress the Paycheck Fairness Act (S.819, H.R.1869) has been filed in both houses of Congress. It would put in place methods for determining whether an employer is granting equal pay for equal work based on sex, race or other demographics. Both bills have been sent to committee and, as of now, they have not been acted on further. Despite the fact that currently 48 states have laws against pay discrimination based on an employee's sex, Congress has not passed a law mandating equal pay. The two states which have not passed laws banning pay discrimination are Alabama and Mississippi.

Another piece of legislation which is related to pay is The Federal Employee Retroactive Pay Fairness Act (H.R.4827) which has 100 cosponsors. This legislation would pay federal workers for days missed due to a government shutdown. This bill also has been referred to committee and not yet reported out; however, it could be reported out of committee swiftly and acted on. It is presumably being held until the end of the session. In the event of further shut downs during this legislative session the bill would cover all government shut downs.

EQUAL RIGHTS AMENDMENT AGAIN IN THE NEWS

Nevada recently passed the Equal Rights Amendment to the U.S. Constitution. Only two more states would be needed to gain the 38 states (¾ of states) necessary to ratify the amendment for it to take effect. However, the deadline for states to ratify the amendment was 1979. There are currently two separate legislative actions which would affect the amendment. One strategy to handle the Equal Rights Amendment is by joint resolutions (S.J.Res.5 and H.J.Res.53) in both houses which would remove the deadline for states to ratify the amendment in which case only two more states would be needed to ratify the amendment. The other strategy by which the Equal Rights Amendment is being addressed is by a restatement of the amendment as though it were a new Constitutional Amendment which would require ratification by three fourths of the states (S.J.Res.6 and H.J.Res.33).

It should be noted is that once a state has ratified an amendment to the Constitution that amendment vote cannot be rescinded. However, if this second option is successfully pursued by Congress, this could be considered as a different amendment requiring ratification by even those states which ratified the previous amendment. This might be a case for the Supreme Court. The states which have not yet ratified the Equal Rights Amendment are Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Missouri, Mississippi, North Carolina, Oklahoma, South Carolina, Utah, and Virginia. The Illinois legislature is considering the Equal Rights Amendment as originally stated with SJRCA4. in Illinois' current legislative session. Assuming Illinois ratifies the amendment, only one more state would be needed to ratify the original ERA for it to take effect.

The Equal Rights Amendment states

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.

(This information taken from the web site <http://www.equalrightsamendment.org/>) Other web sites on the topic have similar or identical wording.

LAWS AND EXECUTIVE ORDERS

Laws are passed by both houses of Congress and signed by the President and are enforceable until Congress passes legislation which supersedes them. An exception to this is a law which is passed which has a time limit. The most familiar example of a law with a time limit is the Elementary, and Secondary Education Act (ESEA) which is a part of legislation which requires periodic reauthorization. During George W. Bush's administration the renewal of this legislation was referred to as No Child Left Behind (NCLB). During the Obama administration the next version of this was the Every Student Succeeds Act (ESSA). This later version of ESEA is causing some problems now because there was a change of administrations before the law was fully implemented, and the new Secretary of Education interpreted the law differently than her predecessor.

Another category of regulation is an executive order. This is issued by the President and requires no approval by any other body. An example of this is Deferred Action for Childhood Arrivals (DACA) which President Obama issued in June 2012 and which would prevent noncitizens who were brought to this country as children from being deported. (These people are also referred to as "Dreamers.") Shortly after he took office, President Trump used an executive order to rescind DACA. This would allow deportation of the Dreamers. (Note: The Dreamers who signed up under the original Obama executive order had to give personal information such as address and relatives. Since the relatives of many of the Dreamers are illegals, this could result in the rest of their families being deported also.) The executive order could be nullified if Congress passed legislation dealing with the problem, and the President signed this legislation. Alternately President Trump could sign another executive order to exempt the Dreamers from deportation. So far Congress has not passed any legislation which would rescind the executive order.

GUN DISCUSSION

One of the first pieces of legislation which was passed after President Trump took office is Public Law No: 115-8 (02/28/2017). The history of this piece of legislation is that it was introduced in the House of Representatives on January 30, 2017 becoming H.J.Res.40 which nullifies a current law prohibiting sale of a firearm to a person who has been adjudicated as mentally defective thus it would allow the purchase and possession of firearms by a person who is deemed mentally defective. The bill passed the House on February 1, 2017, passed the Senate on February 3, 2017, was sent to President Trump on February 6 and was signed into law on February 14, 2017. To see how your Representative voted go to <http://clerk.house.gov/evs/2017/roll072.xml>. The vote in the Senate was strictly along party lines with all Republicans voting "yea" and all Democrats and the two Independents voting "nay." There was one abstention. Thus a person adjudicated to be mentally defective can buy firearms.

President Trump recently signed an executive order which directed the Justice Department to add bump stocks to the list of banned devices which cause guns to mimic the action of machine guns.

In the April 2, 2018 issue of Time magazine some proposed actions which would help ameliorate the gun violence problem were offered. The first one was to make gun ownership similar to a driver's license requiring both a written test and a demonstration of proficiency [presumably following some instruction in the use of a firearm].

APRIL IS SEXUAL AWARENESS MONTH

Just as pink has been associated with breast cancer awareness and is observed in February, April has recently been designated Sexual Assault Awareness Month (SAAM) and is associated with the color teal. The advent of the "Me Too" movement has motivated women to speak out and become more active in politics. It is estimated that the number of women running for public office has exploded in the last couple of years. A survey of hundreds of women in the entertainment industry reported in USA Today found that 94% of the women in entertainment surveyed reported some form of sexual harassment or sexual assault.

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For those of you desiring discussion of legislative topics there is a U. S. Forum Facebook page online at

<http://www.facebook.com/DKG.US.Forum>

FORUM WEB SITE: <http://www.usforumdkg.org/>

CONTACTING YOUR LEGISLATOR

If you wish to contact your senator to express your opinion, you can call the Congressional Switchboard at 1-866-327-8670 [this is a toll free number]. Another way of contacting your senator is via email or a telephone number which is not toll free both of which are available at https://www.senate.gov/general/contact_information/senators_cfm.cfm

Email access and addresses

<http://www.house.gov/> for members of the House of Representatives <http://www.senate.gov/> for members of the U.S. Senate

White House 1-202-456-1111

FIVE CONSTITUENT CONTACTS WILL CAUSE A LEGISLATOR TO PAY SERIOUS ATTENTION TO A GIVEN ISSUE.