

Women on Capitol Hill See Light Shining on a Long List

By Cynthia L. Cooper

The 111th Congress wasted no time addressing women's issues. On January 6, 2009, the first day that the nation's newly elected representatives convened in the Capitol, the Lilly Ledbetter Fair Pay Act was introduced in the House of Representatives. While workers erected presidential inauguration scaffolding outside on the Mall, Speaker of the House Nancy Pelosi (D-CA) also worked hard. She had declared at a December forum with Rep. Carolyn Maloney (D-NY) at Hunter College in New York that legislation of importance to women would be of primary concern to her. "We will put these issues forth," Pelosi said.

Put forth she did. Before the end of January, the Lilly Ledbetter bill passed both houses of Congress and became the first piece of legislation signed by President Barack Obama. Because the same legislation—under threat of a presidential veto—had failed to pass the 110th Congress, the significance of the achievement was not lost.

The Ledbetter legislation is not complex. It clarifies the statute of limitations in discriminatory pay claims by declaring that the time for filing is reset each time a discriminatory paycheck is written. The Act is intended to reverse the effects of a 2007 decision of the U.S. Supreme Court in which Ledbetter's claim of unequal pay at Goodyear Tire and Rubber Company was rejected because she failed to file her claim within 180 days of the first instance of discrimination. Justice Ruth Bader

Ginsburg, the only woman on the bench at the time, delivered a scorching dissent.

Now, the Act's passage floated like skywriting for a women's agenda across the nation's Capitol.

"We began this Congress with a bang," says Senator Barbara Mikulski (D-MD), who sponsored the Ledbetter Act in the Senate. "It changes the law books so women feel it in their checkbooks. And it brings our country one step closer to guaranteeing equal pay for equal work."

A Full Agenda

By all accounts, the Ledbetter Act was only one item of a burgeoning list of women's issues. Some of the issues, such as domestic violence prevention, are specific to women, but others, such as health care reform, extend to the full population, but critically impact women. This was most apparent as the extent of the economic crisis unfolded: "Every issue is a woman's issue," Mikulski says.

The National Organization for Women released a list of 132 agenda items for the 111th Congress, divided into nine categories that began with economic justice and flowed to reproductive rights, equal rights, violence against women, and educational equity. What's more, the National Women's Law Center published a 27-page "Platform for Progress" to address the unmet needs of women on economic security, health,

education, and equal rights in the workplace. See www.nelcorg/details.cfm?id=3308§ion=infocenter.

During the first weeks of the new Congress, swirling activity was under way:

- Congress sent the president the State Children's Health Insurance Program (SCHIP) to sign. Twice vetoed by President George W. Bush, the legislation provides \$32.8 billion for health insurance to 11 million children, including 4 million who were not authorized under a previous program. SCHIP extended coverage to pregnant women.
- The Paycheck Fairness Act, which would permit punitive and compensatory damages in equal pay cases and strengthen other protections against discriminatory pay, was introduced by Rep. Rosa DeLauro (D-CT) and quickly passed the House by a vote of 256 to 163, although it later stalled in the Senate.
- After President Obama lifted a global gag rule that blocked delivery of assistance to worthy international family planning programs, Congress allocated \$50 million to the United Nations Population Fund.
- The president created the White House Council on Women and Girls, and Vice President Joe Biden declared that work-family balance would be a key assignment of a new Middle Class Task Force favored by women's advocates.

"I think we're going to get things done that we've been working on for decades," says Rep. Louise Slaughter (D-NY). "We have a president who wants to sign them. We have both houses. As cochair of the pro-choice caucus, I know we've picked up quite a few votes."

Slaughter is particularly focused on passing the Prevention First Act, which would expand access to

affordable contraception and support comprehensive sex education.

Supporting and adding to the issues targeted by NOW and NWLC, the list of priority items clicked off by women legislators and advocates ranges from paid maternity leave to funding for domestic violence programs and breast cancer research, ratification of the international "women's treaty" known as CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women),

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beefing up assistance to needy families, developing programs for women immigrants endangered by violence, regulating toxins that harm health in utero, and more.

While the specifics of proposals were still being fine-tuned after years of legislative inactivity, there was no mistaking either the sheer volume or the sharp shift in mood about their prospects. "It's a breath of fresh air. It's also a full agenda," says Eleanor Smeal, president of the Feminist Majority Foundation.

"We have been in a very dark period, and we have come through that. It is very different from a year ago," says Judith L. Lichtman, senior advisor and past president of the National Partnership for Women & Families, a women's advocacy group in Washington, D.C.

One topic ranking high on Lichtman's list is passage of the Healthy Families Act, which would allow every worker seven days of paid sick leave, an option she says is currently denied to nearly half of those working

in private employment. "I don't have an agenda of one. There are many important pieces of legislation that Congress must pass. It gives one a sense of the difference an election makes," Lichtman says.

Women Win in Washington

The extent of the positive changes in the legislative landscape and its unexpected challenges became apparent to women's advocates after the voting booths closed.

On the day after the election, activists awoke to find not only a Democratic president who had campaigned on women's issues, but a Congress in which both houses would be under the control of Democrats. Generally viewed as more women-friendly, the Democrats would provide the leadership in two of the three branches of government. Not since the so-called Year of the Woman in 1992 when President Bill Clinton first took office and the number of elected women increased dramatically had the stars aligned so favorably.

In 2009, more women than ever hold seats in Congress, even if gender parity is still a distant dream. According to the Center for American Women and Politics at Rutgers University, 90 women are serving in the 111th Congress. In addition, three women serve as delegates to the House from the District of Columbia, Guam, and the U.S. Virgin Islands. This Congress includes a new high of 17 women senators (13 Democrats, 4 Republicans), one more than the previous record of 16 in the 110th Congress. The House added nine female representatives for a total of 73 women (56 Democrats, 17 Republicans), beating its all-time record of 64 in the last Congress. Nevertheless, women still only have 17 percent of the total elective slots, a mere increase of 1 percent over the 110th session.

But now many women legislators also have extensive experience and seniority. Senators Dianne Feinstein (D-CA), Barbara Boxer (D-CA), Kay Bailey Hutchison (R-TX), and Patty

Witnessed by congressional leaders—and with the bill's namesake standing at his shoulder—President Barack Obama signed the Lilly Ledbetter Fair Pay Act on January 29, 2009, in the East Room at the White House in Washington (photo opposite). Among those present for the event were (from left) House Majority Leader Steny Hoyer (D-MD), Sen. Barbara Mikulski (D-MD), Sen. Olympia Snowe (R-ME), Ledbetter, D.C. Delegate Eleanor Holmes Norton, and Speaker of the House Nancy Pelosi (D-CA).

Key Federal Legislation on Women's Issues

Lilly Ledbetter Fair Pay Act
Public Law No. 111-2 (2009)

State Children's Health Insurance Program (SCHIP)
Public Law No. 111-3 (2009)

American Recovery and Reinvestment Act
Public Law No. 111-5 (2009)

Paycheck Fairness Act
H.R.12 and S.182 (111th Congress)

Healthy Families Act
H.R. 1542 and S. 910
(110th Congress)

Federal Employees Paid Parental Leave Act of 2009
H.R. 626 and S. 354 (111th Congress)

Survivors' Empowerment and Economic Security Act
H.R. 2395 and S. 1136 (110th Congress)

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Security and Financial Empowerment (SAFE) Act
H.R. 739 (111th Congress)
(no Senate introduction)

Ban Poisonous Additives Act of 2009 (on bisphenol A)
H.R. 1523 and S. 593 (111th Congress)

Murray (D-WA) have each racked up 16 years in Congress, and Mikulski, the "Dean," has 22 years. In the House, a woman already cracked what Maloney calls "the marble ceiling" by putting longtime women's advocate Pelosi in place as speaker in 2006. Pelosi embraces the ability to appoint committee heads and strategize on legislative direction: "I believe you should know your power and use it, and when you do, others will recognize it, too," she says.

Advocates in women's organizations gathered at a whirlling pace after the election—in a quickly convened retreat in Vermont, in hotel rooms in New York, and on endless conference calls.

"The thing that dawned on me first is that we might have an opportunity to ponder an agenda that is more active, a way forward, as opposed to trying to stop the next bad thing from happening," says Lisalyn R. Jacobs, vice president for government relations at

Legal Momentum, a Washington, D.C., and New York advocacy organization. "We feel that we are out of the wilderness, and if we are not in the promised land, surely we must be in sight of it, comparatively," Jacobs says.

Her eyes are focused on passing domestic violence legislation that reaches the intersection of workplace and gender violence, known as the Survivors' Empowerment and Economic Security Act when introduced previously by Murray, as well as seeing the full realization of Violence Against Women Act (VAWA) programs that were previously passed but were simply starved of necessary funds and staff under the prior administration.

Within days of the election, the presidential transition team began contacting women's groups. "After eight years of the Bush administration, it was quite a change to have the transition staff not only interested in hearing what women's rights advocates had to say, but actually reaching out to us and

recognizing that the nonprofit sector has expertise to offer," says Kim Gandy, president of the National Organization for Women in Washington, D.C.

The furious pace of agenda setting expanded beyond mere legislation. As the new administration emerged, the appointment process was critically important. "We need people who are different from the incumbents, where we had the fox guarding the chicken coop," Lichtman says.

A feminist appointments "Wiki" was created online for women's organizations to post and comment on nominations and recommendations. Agency revamping and regulatory review were also top-tier concerns, Slaughter says. "One of the things I look forward to is having science take its place—real science. I want the FDA gone over with a fine-tooth comb," Slaughter says.

Rep. Nita Lowey (D-NY) was busy consulting colleagues on quickly reversing a hastily imposed regulation of the outgoing Department of Health and Human Services that sanctioned arbitrary denial of contraception and other services to women because a service provider had a personal objection. "It was one of the Bush administration's final acts. It should not be on the books," Lowey says. In late February, the Obama administration took steps toward rescinding the regulation through the rule-making process.

Economic Stimulus Impacts

But as all of this was under way, it was impossible for anyone to ignore another fast-moving development, represented by two headline words: economic stimulus. This powerful wave of funding combined with the presence of strong advocates for women has already defined the year differently from any other in history—and in surprising ways.

The initial news that Obama planned to invest \$850 billion to \$900 billion in an economic recovery plan like the federal works projects of President Franklin Roosevelt also revealed

another piece of information—that the money would be aimed at “shovel-ready” construction projects.

In the shovel-ready projects, advocates for women saw a looming disaster. It was a key topic of discussion when women leaders gathered at a retreat in early December, says Ellen Chesler, director of the Eleanor Roosevelt Initiative on Women and Public Policy at Roosevelt House, part of Hunter College in New York. “Women are going to disproportionately lose jobs. In economic stimulus, you have to think of jobs for women. You have to think of the jobs that women are currently doing: the caregiver economy, home care, child care. There is some attention that needs to be gender conscious, not gender neutral.”

Applying a gender lens to the economic stimulus plan began rapidly, although well outside mainstream talk-show attention. An ad-hoc group, Feminist Historians for a New New Deal, released a petition to Obama signed by more than 1,000 academics, beseeching him to avoid a critical failing of FDR’s program, which, they said, had directed jobs to skilled male workers. “This was a mistake in the 1930s, and it would be a far greater mistake in the 21st century economy, when so many families depend on women’s wages,” they wrote. They called for investment in the “social infrastructure.”

On January 6, 2009, more than 120 national and state women’s organizations signed a letter asking the Obama team to ensure training and hiring goals for women in nontraditional jobs. Funding investments in education, libraries, child care facilities, and domestic violence prevention programs—all of which would increase job opportunities for women—were also requested. The group sought increases in funds for safety net programs such as unemployment insurance and temporary assistance for needy families (TANF).

By the time Obama’s recovery proposal was released in mid-January, women’s advocates expressed

satisfaction. It included “substantial investments in infrastructure, education, health, and energy,” along with increases in food stamps and unemployment insurance, as well as business incentives and a middle-class tax cut. The transition team prepared a report indicating that 42 percent of the jobs created would be held by women. By mid-February a \$789 billion program was passed. “The plan was changed to make huge investments in health care and education—but it wasn’t on the radar at first,” NOW President Gandy says.

Economic stimulus funding and strong advocacy for women have already defined this year differently from any other.

The Recovery Act created its own, unusual circumstance—“a crazy situation,” says Diane Zuckerman, president of the National Research Center for Women & Families, which works on policies of health and safety. “Before the economy crashed, we would hear that there’s no money for health care reform. Now, ironically, there was this money to spend through economic stimulus,” Zuckerman says.


By the end of March, advocates watched as more items jumped from the hopeful list to action. President Obama lifted restrictions on stem-cell research; Sen. Dianne Feinstein introduced legislation to restrict bisphenol, implicated in breast cancer; the Omnibus Appropriations Act reversed a provision that sent birth control costs skyrocketing on campuses and at clinics and cut \$14 million from abstinence-only sex

education; and Sen. Barbara Boxer became chair of the Foreign Relations Subcommittee on Global Women’s issues—a first. A preview of the next Omnibus spending bill offered major fixes to health insurance.

Bumps in the women’s agenda did come, as well. After President Obama introduced the American Recovery and Reinvestment Act, he asked Democratic leaders to remove funds for family planning to appease Republicans railing against it. The family-planning funding was eliminated, but no votes changed. Gandy notes that this was “a stumble” on Obama’s part. But, she says, the solution lay in an immediate remedy by passing similar provisions in the Medicaid Family Planning State Option, giving states flexibility and support for family-planning programs.

This dynamic illustrates how nimbly women’s advocates are approaching the legislative season, taking advantage of every emerging opening. “Different things have an opportunity to move at different times, sometimes for reasons you can’t anticipate,” Gandy says. “We intend to work very hard over the next two years, and especially over the next year. You really only have one year,” says Gandy, recalling how important gains in 1992–93—the Violence Against Women Act, Family and Medical Leave Act, and Freedom of Access to Clinic Entrances Act—abruptly ended when conservative Republicans led by then-Rep. Newt Gingrich swept midterm elections in 1994.

As a result, the 111th Congress promises a lively—and jammed—calendar for women’s issues, with multilayered requests for activism and assistance across the country. “I expect that this will be a very important year for women,” Lowey says.

In fact, for women’s advancement, 2009 might very well earn its place in history. 

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