

Legislating By and For Women:

A Comparison of the 103rd and 104th Congresses

by

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Summary

Over the past 30 years there has been dramatic change, not only in the numbers of women serving in Congress, but in congresswomen's understanding of their roles in relation to each other and to American women. When the idea of a congresswomen's caucus first surfaced in the early 1970's, several congresswomen questioned its viability, doubting that it could provide any useful service for women members whose political interests and constituent demographics differed so significantly.¹ That women members should mobilize to promote "women's interests" was deemed to be both unmanageable, because congresswomen did not agree about what policies would best serve women, and imprudent, because women legislators who championed women's issues encountered open hostility from their male counterparts.² By the 1990's, however, congresswomen articulated a strong commitment to represent the needs and interests of American women. Although congresswomen continued to hold markedly different views about what women need and how best to advance women's interests in the policy process, virtually all reported a steadfast commitment to undertake the political work necessary to advance a political agenda for women.

Legislating By Women For Women examines the political work of women legislators in the 103rd and 104th Congresses as they attempted to transform their commitment to represent women into law. The report highlights examples of the intensive political labor involved in any effort to legislate for women and explores how women's needs and interests are defined in the legislative process. By analyzing changes in political climate and institutional processes from the Democratic-controlled 103rd Congress (1993-94) to the Republican-controlled 104th Congress (1995-96), it also investigates how institutional and political context influence congresswomen's ability to represent women. Providing legislative case studies in the areas of crime, women's health, health care and health insurance reform, reproductive rights, and welfare reform, the report traces attempts by congresswomen to define women's policy needs, draft legislation addressing those needs, shepherd bills through committee review and floor debates, and build political coalitions to pass legislation. Comparing congresswomen's greater legislative success in policy areas including crime, women's health, and health insurance reform with their lesser success in health care reform, reproductive rights, and welfare reform, the report illuminates factors critical to individual and collective strategies to represent women.

Among the chief findings culled from interviews with 43 of the 54 women who served in the 103rd Congress and 38 of 58 women who served in the 104th Congress:

- Most congresswomen, Democratic and Republican, believe they have an obligation to represent women.
- Congresswomen's understandings of how best to represent women vary, and include participating as women in the policy-making process, opening doors for other women, ensuring equal opportunity and equal access for women, analyzing the gender impact of legislative proposals, advocating for issues of traditional concern to women, eliminating gender-based injustices, and redefining women's issues to encompass a more expansive legislative agenda.
- Democratic and Republican women legislators of widely differing ideological views and representing markedly different constituents seek to promote legislation that they believe will serve women and are willing to cooperate across party lines to accomplish their legislative objectives for women.

Comparison of congresswomen's work on behalf of women in the 103rd and 104th Congresses indicates that:

1 Irwin Gertzog, *Congressional Women: Their Recruitment, Treatment, and Behavior*. New York: Praeger, 1984, p. 165.

2 Jeanne Kirkpatrick, *Political Woman*. New York: Basic Books, 1974, p. 124.

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- Congresswomen’s personal experience, political ideology, partisan loyalty, and ties to women’s groups outside of Congress influence their definitions of women’s needs and interests and the legislation they devise to address those needs and interests.
 - Bipartisan collaboration to pass legislation beneficial to women was fostered by the increase in numbers of congresswomen and the activities of the Congressional Caucus for Women’s Issues in the 103rd Congress; collaboration was hindered in the 104th Congress by increasing ideological polarization and heightened partisanship, as well as by the abolition of the Congressional Caucus for Women’s Issues.
 - In the 103rd Congress, efforts by individual congresswomen as well as collective and bipartisan strategies orchestrated by the Congressional Caucus for Women’s Issues facilitated passage of a record 66 bills designed to benefit women.
 - By comparison with the 103rd Congress, women’s impact in the 104th Congress was more often individual rather than collective and depended upon positional power within the majority party.
 - In contrast to the 103rd Congress where women were able to achieve new legislation aimed at helping women, women’s major accomplishments on behalf of women in the 104th Congress were to preserve past gains and to ameliorate the effects of legislation that, absent the congresswomen’s efforts, would have been more harmful to women.
 - In both Congresses, women legislators often framed women’s issues differently than did many male legislators, and the particular frames advanced by women legislators sometimes had a significant impact on the success or failure of proposed legislation.

In a number of important respects, *Legislating By Women for Women* confirms CAWP’s earlier research findings: women legislators make a difference not only in the outcomes of the policy process, but in defining the legislative agenda and in framing issues to advance women’s needs and interests. Despite differences in party control, political climate, and ideology between the 103rd and 104th Congresses, the presence of women made a difference in shaping the terms of debate and in the public policy outcomes in both Congresses.

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Introduction

"... A woman member brings to the table a greater focus on women's issues than a man might, even though men can be quite as zealous on an issue-by-issue basis.... The kind of concentrated, systematic focus that goes from bill to bill... is what I think women mean when they say, "We represent women." It means not just on this issue or that issue, but [that we]... in addition to everything else we do, keep a watch for women's issues."

Congresswoman Eleanor Holmes Norton (D-DC)

At the outset of the twenty-first century, few would find anything exceptional about a congresswoman's assertion that, in addition to all her other congressional responsibilities, she represents women. Even fewer would consider such a statement evidence of a political transformation of historic significance. Fewer still would recognize the enormous political undertaking that such a commitment entails. Yet contemporary congresswomen's virtually unanimous agreement that they have a special obligation to represent women signals a dramatic change on Capitol Hill.

Legislating By Women For Women documents congresswomen's avowal of a special responsibility to represent women and explores their efforts to realize that commitment in a number of concrete policy areas during a period of intensive political change in Congress. By considering a diverse range of policy issues including crime, women's health, health care reform, health insurance reform, reproductive rights, and welfare reform, this study investigates when and under what circumstances congresswomen assume a responsibility to represent women and how various the manifestations of that responsibility can be.

The task of legislating for women involves a great deal of political work—work that has increasingly been taken on by congresswomen over the last 30 years. Some of the earliest studies of women legislators found that women who pioneered in Congress avoided publicly championing women for compelling reasons, including "lack of interest in women's issues, a determination that a public display of interest would be politically damaging, a conviction that the problems women faced should be resolved at the state level or without government intervention, and a belief that a congresswoman associating herself with such issues would weaken her effectiveness among House colleagues."³ CAWP interviews with congresswomen in the last decade of the twentieth century indicate that although they recognize that standing for women can entail significant political costs, they feel a responsibility to undertake that political work. Such a willingness to see women as a political constituency in need of representation and to accept the challenge of providing that representation constitutes a major change in congresswomen's role orientation. As Congresswoman Marge Roukema (R-NJ) put it:

I didn't really want to be stereotyped as the woman legislator....I wanted to deal with things like banking and finance. But I learned very quickly that if the women like me in Congress were not going to attend to some of these family concerns, whether it was for jobs or children, pension equity, or whatever, then they weren't going to be attended to. So I quickly shed those biases that I had and said "Well nobody else is going to do it; I'm going to do it."

Given the diversity of women in the United States and the fact that women do not always agree about what constitutes women's interests, legislating for women is an enormous political undertaking. To promote a legislative agenda for women, legislators must define key issues in ways that address women across divisions of race, class, ethnicity, religion, partisan allegiance, region, and the many other differences that separate them. Congresswomen must draft innovative legislation and build voting coalitions within the House and the Senate to secure passage of their legislative proposals. As a small minority of legislators, they must design

3 Irwin Gertzog, *Congressional Women: Their Recruitment, Treatment, and Behavior*. New York: Praeger, 1984, p. 142.

political strategies that appeal to lawmakers, male and female, across party lines if they are to achieve their legislative objectives. In addition, Congresswomen must use their positional power within party caucuses and legislative committees to write legislation in subcommittees, amend legislation in full committee meetings, line up votes for bills, and shepherd the legislation through floor debates and conference committees.

Little attention has been paid to this political work, which women legislators often do on behalf of a national constituency in addition to their work for their legislative districts. Because this work has gone largely unnoticed, little effort has been made to investigate the varying institutional and political contexts in which this work is undertaken, or to identify the factors that contribute to its success or failure. This study is designed to illuminate and analyze the political work of women legislators in the 103rd and 104th Congresses as they attempt to translate their commitment to representing women's interests into specific legislative acts. By comparing two markedly different Congresses, one under Democratic control and one under Republican control, this study seeks to examine how changes in institutional and political contexts facilitate or constrain the ability of women members to develop and promote a legislative agenda for women. Particular attention is given to the consequences of increasing partisanship and growing ideological cleavage for the framing of women's interests, the willingness of women legislators to work collectively to promote a women's agenda, and the kinds of women's interests incorporated into legislation.

To illuminate congresswomen's work in agenda setting, issue framing, and coalition building to secure passage of legislation designed to benefit women in the changing political climate from the 103rd to the 104th Congress, this report presents several legislative case studies. Focusing on legislation pertaining to crime, women's health, health care and health insurance reform, reproductive rights, and welfare reform, these studies trace the arduous process through which women legislators define a pressing need, develop legislation to

Description of the Study

Under the auspices of grants from the Charles H. Revson Foundation and the Ford Foundation, the Center for American Women and Politics (CAWP) conducted a comprehensive review of written sources and documents pertaining to the 103rd and 104th Congresses, as well as in-depth interviews with women members of Congress, congressional staff, and lobbyists involved with the 103rd and 104th Congresses.

During the spring of 1993, all 24 congresswomen first elected to the House in November 1992 were interviewed about their legislative goals. In 1995 and 1997, CAWP contacted all women Representatives and Senators (both veterans and newcomers), requesting interviews to discuss their experiences in the 103rd and 104th Congresses, respectively. In response to these requests, CAWP conducted 81 in-depth, semi-structured interviews with women members of Congress. Between June and October 1995, CAWP staff interviewed 43 of the 54 women who had served in the 103rd Congress (39 Representatives, 4 Senators; 32 Democrats, 11 Republicans). Between October 1997 and March 1998, CAWP staff interviewed 38 of the 58 women who served in the 104th Congress (36 Representatives, 2 Senators; 26 Democrats, 12 Republicans). During the interviews, which ranged from 20 to 90 minutes, congresswomen were asked to discuss their involvement in six major policy issues (reproductive rights, health care reform, crime, women's health, welfare reform, and international trade). The interviews were taped and "on the record."

In addition, between August 1994 and August 1995, CAWP staff conducted 195 interviews with congressional staff and lobbyists who had worked with women members of Congress and had been highly involved with the key policy areas under investigation. To encourage candor and honesty in responses, these participants were promised confidentiality. Hence, insights gleaned from these interviews are attributed only by reference to job title, such as "a Democratic House staff member" or "a lobbyist."

address that need, and work behind the scenes to make public policy that they hope will benefit women. By comparing parallel efforts in the 103rd and 104th Congresses, the case studies document instances in which women legislators succeeded in achieving policy consensus about “women’s interests” and worked together to pass legislation to promote those interests. The case studies also identify instances in which it was impossible to arrive at consensus about what constitutes women’s interests and examine the political, ideological, and institutional factors that contributed to such impasses.

Women in the 103rd and 104th Congresses, Democrat and Republican, articulated a perceived responsibility to represent women and frequently suggested that as women they were better able to represent women’s needs and interests.

Representing Women: An Array of Possibilities

How do women legislators represent women? How do they decide what constitutes ‘women’s interests’? When a policy proposal is likely to affect different women in markedly different ways, how do congresswomen decide which women to represent in the policy process?

One of the persistent myths about women in American politics is that women possess an unvarying and self-evident set of interests. In the nineteenth century, this myth was used to legitimize the exclusion of women from political participation in general and from elective offices in particular. Claiming that women’s needs and interests were determined by reproductive capacity, male politicians argued that they knew what was in women’s best interest. Hence there was no need to have women articulate their own interests, join in political debates about laws pertaining to them, or exercise power directly.⁴ In the nineteenth century, and again in the 1960’s, women’s rights activists also argued that women had a fixed set of interests, while lambasting the male-dominated political establishment for failing to address them and demanding that women be allowed to participate in politics to represent women’s interests. Whether used as a means to legitimate male representation of women or as a rallying cry for women’s representation of women, the notion that women’s interests are natural, given, homogeneous, and self-evident masks the significant political work involved in creating and promoting a women’s policy agenda.

Women in the United States are the majority of the population, but as individuals they differ from one another on the basis of class, culture, education, ethnicity, language, marital status, occupation, parental status, party affiliation, race, region, religion, sexual orientation, personality, personal history, aspiration, capability, and a host of other factors. When forging a political agenda for women, political leaders must construct politically relevant commonalities across all these forms of difference. Women who aspire to represent women in the legislative process must not only build consensus about what constitutes women’s needs and interests, but identify legislative strategies to address them that can pass constitutional muster and win the support of voting majorities in the House and the Senate.

Interviews with women in the 103rd and 104th Congresses reveal that women legislators believe they have a special obligation to serve the needs of American women. Women in the 103rd and 104th Congresses, Democrat and Republican, articulated a perceived responsibility to represent women and frequently suggested that as women they were better able to represent women’s needs and interests.

Because we represent half the population, I have always felt the special concern and the unique responsibility to single out those issues that are so important and critical to the future of women and to make changes, because their voices cannot be heard otherwise....It’s not that male colleagues don’t represent those issues; as a general population, they do. But I think that women in Congress, in both the House and the Senate as well, will give special attention to those issues. We tend to carve them out as priorities, and that is important because so often women have been overlooked as a priority in some of the issues.

Senator Olympia Snowe (R-ME)

4 For excellent analyses of men’s claims to know women’s political interests, see Rebecca Edwards, *Angels in the Machinery: Gender in American Party Politics from the Civil War to the Progressive Era*, New York: Oxford University Press, 1997; Kristi Andersen, *After Suffrage: Women in Partisan and Electoral Politics before the New Deal*, University of Chicago Press, 1996; and Jo Freeman, *One Room At A Time: How Women Entered Party Politics*, Rowman and Littlefield, 2000.

There are still so few women in Congress....So you really do have to represent much more than your own state although my state is huge. I've got over 30 million people. But women from all over the country really do follow what you do and rely on you to speak for them on the issues of women's health care, reproductive choice, condition of families, domestic priorities, environment, equal pay for equal work....It is a pretty big burden.

Senator Barbara Boxer (D-CA)

I think we do [feel an added responsibility to represent women] simply because it's a voice that needs to be heard. Women tend to look at things differently. I'm a great believer in that anyway. I think that we are more prone to try to find ways to work together, to bring people together....So we bring that to the table, and when we are able to bring women's issues forward, there are sometimes things that men haven't even thought of, because they don't see them in the same light that we as females do.

Congresswoman Sue Myrick (R-NC)

I definitely feel a responsibility to represent women throughout the country. Because before I came here, I worked for a congressman. And while I worked for him, I saw that women's issues were not part of the national agenda.... And it is as true today. It hasn't changed. So it is our responsibility to participate in every single issue that we have here and every debate that we have here....If we don't force others to focus on women's issues, then it will not be part of the debate.

Congresswoman Nydia Velazquez (D-NY)

Despite near universal agreement concerning their responsibility to represent women, women legislators hold a variety of views about the nature of women's needs and interests and the best means to represent women in the policy-making process. Some congresswomen are committed to "symbolic representation," the idea that congresswomen represent women by virtue of being women themselves. By being involved in what was once an exclusively male environment, these congresswomen suggest that they dispel unwarranted stereotypes, demonstrate women's talents and abilities, and thereby open the door for other women.

I've felt it was important for me to open doors here, and I have. And that takes a lot of time.... I haven't reached the top of leadership, but I have opened the doors for it. Others will reach the top.

Congresswoman Barbara Kennelly (D-CT)

I think the significance [of having women in Congress] is opening doors for women generically, across the American tapestry of different cultures. When women open a door and go through that door and become effective—the bottom line is effective—at whatever they're doing, it opens a door in a multitude of different disciplines. I think that is the real significance.

Senator Dianne Feinstein (D-CA)

From this perspective, no particular stance on any issue need be associated with representation of women's interests. Women participating in the policy-making process itself is sufficient.

In addition to being part of the policy-making process, many congresswomen believe that they should serve as advocates for women. Minimally, they should work to ensure equal opportunity and equal access for women to all aspects of American life.

I do feel an obligation to all women in the country.... We all have to do it from our own ideology... but in my view, one of the most important things for me and for the women I represent is to make sure that those women have equal opportunity and equal access to what we have....

Congresswoman Louise Slaughter (D-NY)

In addition, some congresswomen note a responsibility to speak out about issues that uniquely affect women or that have traditionally been construed as women's concerns.

I think that women have to speak up for things that affect women, because the men don't; not out of malice but because it's just not of interest to them. Women's health issues are the obvious place where that happens, but I also think that family issues are more germane to women, childcare and those types of things.

Congresswoman Deborah Pryce (R-OH)

I think that there are universal things that every woman "gets" here, regardless of what her view is on abortion or some of the more controversial issues. Every woman "gets" why it matters to invest in women's health care and why mammograms have to be accurate; why it matters to have quality childcare; why it matters to have flexibility in the workplace, etc. I don't know that most men are as sensitive as every woman. In spite of some of our differences on other issues, I think there is a universality on some of these issues.

Congresswoman Jane Harman (D-CA)

Some congresswomen express a commitment to represent particular constituencies of women whose needs and interests have been long neglected.

I think basically that poor women are the ones that have no representation in Congress, other than from congresswomen who feel a sense of commitment to represent their causes. It's the poor women who are left out in much of this debate, certainly the legal immigrant women and legal immigrant children...and to some extent elderly women who are also poor and on Medicare, and so forth....these are the types of bills that I press on.

Congresswoman Patsy Mink (D-HI)

If I didn't represent what I am, then I wouldn't be true to myself and true to the people who elected me. They elected me because I am an African American woman who has a certain set of life experiences that differentiate me from the typical male member of Congress. I bring that to this institution and the institution is changed and enhanced because of the difference I bring.

Congresswoman Cynthia McKinney (D-GA)

African American congresswomen have diversified the voices of women [heard in Congress]. African American women know more women who come from a disadvantaged community...struggling women, heads of households, women who are living on limited means. I think our voices put those faces in congressional debates. It would not be just articulating about the middle-class woman who is struggling to go from college to graduate school, but [speaking for] a woman who is struggling from high school to college, or who has no high school education at all.

Congresswoman Eva Clayton (D-NC)

Some congresswomen also suggest that representing women means analyzing legislative proposals likely impact on women, investigating whether apparently neutral laws have disparate impact on women.

...Congress depends on lobbyists to come in and say to us, "If you do this, this is how it will affect the machine-tool industry." Or, "If you do this, this is how it will affect the recreational boating industry"... Well, women don't have a lobby... [W]e need to integrate the perspective of women into the policy-making process, just like we now have successfully integrated the perspective of environmental preservation, or the perspective of worker safety... [W]henver something comes up, we automatically think, "How will this affect the environment? How will this affect working people at the site?" But we don't really think, "How is this going to affect women who work at home? Women in the workplace with home responsibilities? Women who are single parents?" And so I do feel a special

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responsibility to participate in the policy-making process in a way that assures that where something is going to affect women as well as men, that I think through: How will this affect women who are at home taking care of children and who will need to re-enter the workforce later on? How does this affect women who didn't get to go beyond high school because their family thought only boys should go to college and now they're stuck? I know a lot more about the shape of women's lives and the patterns of women's lives, so I need to look and see: How will the public policy affect those patterns? How will they help or hurt?

Congresswoman Nancy Johnson (R-CT)

When we deal with various issues and matters, I always try to understand what it will mean to working women, working mothers, to those who are childcare givers, who have to bear the brunt of whatever fiscal policy change we are making, whether that is in the tax law or any number of other issues.. I try to bring an understanding of whether that will hurt or help; and if it helps, how much, and can we do more.

Congresswoman Carolyn McCarthy (D-NY)

The responsibility to represent women makes us more sensitive to the legislation that we're passing: how that legislation would impact families, and especially single mothers and children.

Congresswoman Ileana Ros-Lehtinen (R-FL)

Many congresswomen expressed a firm commitment to "redefine" women's issues and interests, illuminating the larger social and economic effects of programs and practices associated with women, thereby eliminating tendencies to trivialize or ignore such issues. They also articulated strong commitments to efforts to demonstrate that women's interests and issues vastly exceed narrow boundaries associated with gender stereotypes.

I felt our job was to redefine what women's issues are....Sexual harassment: is that a women's issue? They say it is, because more women are sexually harassed. But it's also an economic issue. Full funding Headstart: is that a women's issue? They say it is. It isn't. It's an investment issue, in boys and girls. And I could go on and on. I felt that our role was to make sure that these issues were clearly defined as everybody's issues. In health care, women are still left out of the protocols. But that is not a women's issue. That is everyone's issue. I mean, a boy feels just as sad when his mother comes down with breast cancer as a girl does. It's a family issue. And that's what I was trying to do, and I think that's what a lot of women were trying to do.

Congresswoman Marjorie Margolies Mezvinsky (D-PA)

Every issue is a women's issue. Women are concerned about taxes. They're concerned about budgets. They are concerned about defense. They are concerned about education and childcare and those issues, but those aren't the only ones they're concerned about.

Congresswoman Tillie Fowler (R-FL)

Interviews with congresswomen in the 103rd and 104th Congresses indicate that a commitment to represent women can mean very different things. For many, inclusion of women in all aspects of congressional decision-making and bringing more women into Congress is critical. For some, changing the congressional agenda is one of their objectives. Some legislators seek to give legislative priority to issues pertaining to women's traditional roles as wives, mothers, homemakers, and caregivers. Some focus on a range of policy areas that women have historically championed—policies pertaining to health, education, children and families. Some legislators link women's interests to a social change agenda that promotes women's equality, corrects past gender-based injustices, and heightens women's autonomy. Many are concerned about how to investigate how seemingly neutral policies affect women and children in gender-specific ways. Many congresswomen include all these options within their conception of representing women.

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Congresswoman Eva Clayton (D-NC)

Virtually all seek to demonstrate that women share the breadth of policy concerns typically associated with men: women care about all the issues confronting the nation. Given such a breadth of possibilities, the construction of a women's policy agenda within the two-year span of each Congress is no simple feat.

In addition to identifying particular issues to place on a legislative agenda for women within any congressional term, legislators who wish to advance particular policy priorities for women must devise strategies to achieve the legislative outcomes they seek. Whether working individually behind the scenes, collaboratively in subcommittees and committees, partisanly through party caucuses and leadership, or bipartisanly through the Congressional Caucus for Women's Issues, congresswomen must build voting support to pass legislative initiatives they believe will serve the needs and interests of women. But as is the case with choice of issues for a legislative agenda, congresswomen do not always agree about the best strategies to achieve their legislative goals. Within the 103rd Congress, for example, the Congressional Caucus for Women's Issues tried to advance a collective strategy, building bipartisan support for legislation that advanced social change goals in areas such as reproductive rights, programs for women-owned businesses, and the creation of federal protections against domestic violence and sexual harassment. With the election of conservative Republicans in the 104th Congress, markedly different policy stances were asserted as beneficial to women. Aiming to reverse feminist policy gains, conservative congressmen and women sought to restore the traditional, male-dominant family as the best way to advance women's interests. Toward this end, conservatives worked to secure voting majorities within the Republican party to advance legislation to outlaw gay marriage, eliminate affirmative action programs for women and minorities, and require welfare recipients to identify the fathers of each of their children in order to receive welfare benefits. Conservative men and women also pressed pro-life policies as part of their agenda for women and families. Moderate and progressive congresswomen who disagreed with the conservative agenda had to decide what political tactics they might use to try to thwart the conservative legislation. To forge coalitions in support of particular proposals across such stark differences is difficult political work indeed.

In addition to identifying policy issues to include in a legislative agenda for women and building support for particular policy stances on those issues, congresswomen seeking to represent women through collective strategies face another enormously tough political question. Given limited resources, which women's needs should be given priority in a specific policy debate? The most pressing needs of poor women, young women, aged women, urban women, rural women, women business-owners, women professionals, and immigrant women are not the same. Policies crafted to serve one group of women may have disparate impact on other groups of women. If the same policy cannot advance the interests of all women comparably, which women should congresswomen represent?

Discussion of legislative proposals concerning domestic workers advanced in the aftermath of the withdrawal of Zoe Baird's nomination for a cabinet post casts this dilemma in a stark light. In taking a stand on this issue, for example, Congresswoman Carolyn Maloney (D-NY) gave priority to the needs of middle-class women professionals:

As a woman I've made women's issues... a top priority in my career [before coming to Congress]...I'd like to do the same in Congress. I am working on a package of bills that would react to the Zoe Baird situation, that would simplify the filing of papers, would raise the threshold amount to a more realistic level before you start paying their social security, and that would give you a tax credit for the amount you pay in Social Security for your nanny.

By contrast, Congresswoman Carrie Meek (D-FL) was committed to develop legislation to protect the interests of domestic workers:

I'm very much concerned about domestic workers, because my mother...was a domestic. I was one. My sister was one. We never got any benefits. So I certainly want to see that turn around.

If women legislators are to pass laws that advance women's interests, they must first forge agreement about the needs and interests of women. Far from being given or self-evident, the "interests of women" are created through a process of political contestation and consensus building among legislators who often disagree about which issues should be included, which policy stances should be adopted, and which women's interests should be given priority in particular bills. Despite congresswomen's desire to represent women, such an undertaking is neither simple nor straightforward.

In the process of defining "women's interests," women legislators draw upon their own experiences and the opinions of constituents. They also utilize research by legislative staff, lobbyists, and scholars to formulate their issue positions. As the legislative process moves beyond the views of individual legislators to lawmaking, debates about women's needs and interests are further structured by partisan political agendas, the complex operations of the House and Senate, levels of mobilization among women's organizations and the public, the positional power of particular women legislators, and varying levels of support from the men who constitute the party leadership and the vast majority (87%) of legislators in Congress.

In crafting legislation and working to achieve its passage, women in the 103rd and 104th Congresses could satisfy their desire to represent women only by actively constructing commonalities and working to overcome the differences among women within and outside of Congress. Forging policy consensus, building winning coalitions, securing passage of legislation beneficial to some women, and working to preserve hard-won policy gains are crucial components of women legislators' efforts to represent women. The case studies in this report help illuminate the extensive, but often invisible, political labor that women in Congress perform in their efforts to represent women. The case studies also delineate the factors that contribute to success in these efforts, as well as those that prevent women legislators from achieving their legislative objectives. Among the most significant factors affecting congresswomen's efforts to represent women were the dramatic changes introduced by the 1994 congressional elections.

Among the most significant factors affecting congresswomen's efforts to represent women were the dramatic changes introduced by the 1994 congressional elections.

Institutional Contexts and Political Climates: Comparing the 103rd and 104th Congresses

The 1992 elections took place in a political environment strikingly different from those of 1994, and the 103rd and the 104th Congresses, which emerged respectively from the two elections, reflected those differences. What the two Congresses did share was the presence of substantially more women than had been in any Congress prior to 1993. These circumstances created an ideal situation for examining questions about the potential impact of women lawmakers under very different conditions.

The 1992 elections took place in an unusually hospitable climate for women resulting from several important factors:

- political opportunities, including the availability of large numbers of open seats due both to redistricting in the wake of reapportionment and an unusually large number of retirements;
- the Clarence Thomas/Anita Hill hearings, which dramatized that the Senate was still largely a white male preserve where women's concerns were often trivialized or ignored;
- the shift in policy focus with the end of the Cold War, allowing new attention to be focused on domestic issues traditionally associated with women, such as jobs and family security, education, and health care;
- an electorate eager for change, with outsiders and women perceived as fresh faces with new solutions to vexing policy problems.⁵

5 Dodson et al, *Voices, Views, Votes: The Impact of Women in the 103rd Congress*. Center for the American Woman and Politics, 1995, p. 2.

A record number of women candidates ran for Congress in 1992 and a record number of women won seats in the 103rd Congress. The number of women in the House of Representatives rose from 28 to 47, while the number of women in the Senate increased from two to six.⁶

In contrast, pundits dubbed 1994 “The Year of the Angry White Male.” Many white male voters reacted negatively to what they perceived as “big government” proposals such as Clinton’s budget and tax plans and the massive health care reform package developed under the leadership of Hillary Rodham Clinton. There was a perception, encouraged by Republicans, that the Clinton administration and the Democratic party stood for more government and more taxes.

Republicans succeeded in “nationalizing” the 1994 elections, channeling white male voters’ anxiety and the general antipathy toward the Democratic President and Congress into support for their candidates. They campaigned on a platform known as the “Contract with America,” which included ten planks on issues such as institutional reforms for Congress, term limits, welfare reform, middle class tax cuts, and tort reform. In its preface, the Contract promised to end exemptions that Congress granted itself from laws governing safety and other workplace issues and to revise House rules to cut committees and their staffs, impose term limits on committee chairs, end proxy voting, and require a three-fifths majority vote for tax increases.

With women voters remaining fairly stable in their support for the Democratic party, it was white men’s noteworthy shift to the Republican party that laid the foundation for the Republican electoral victory. Men turned out to vote in 1994 at a slightly lower rate than women, but in contrast to women, white men voted substantially more Republican in 1994 than they had in either the 1992 or 1990 congressional elections.⁷ In addition, the rate of voter turnout dropped notably from 1990 to 1994 among African American and Latino voters of both sexes and among voters with incomes of \$10,000 or less. Turnout increased from 1990 to 1994 among white voters and among voters with incomes of \$50,000 or more.⁸

The result of these patterns in public opinion, voter turnout and voting was the election of the most conservative Congress in decades. In the U.S. House of Representatives, the Republicans took control for the first time in 40 years, outnumbering Democrats 230 to 204 (with one independent). Among the election losers were 16 first term Democrats, 8 of whom were women, reportedly rejected because constituents had not seen desired results. For the first time since 1986, Republicans also gained control of the Senate by a margin of 53 to 47.⁹ As the *Congressional Quarterly Almanac* observed:

Both chambers were populated by a new cadre of lawmakers more intensely anti-government than any other in contemporary times. A large group of conservative freshmen, especially in the House, displayed remarkable ideological cohesion.¹⁰

Over the course of the 104th Congress, the number of women in Congress edged upward, with 48 women in the House and eight in the Senate.¹¹ Thus the numbers of women in the 103rd and 104th Congresses were similar. The political profiles of the newly elected Republican women in the 104th, however, differed from those of the Democratic

6 The number of women senators in the 103rd Congress later increased to seven when Kay Bailey Hutchison was elected to the Senate from Texas in a special election.

7 Richard L. Berke, “Defections Among Men to G.O.P. Helped Insure Rout of Democrats,” *New York Times*, November 11, 1994, Section A, Page 1, Column 1.

8 U.S. Bureau of the Census, 1995.

9 *Congressional Quarterly*, January 7, 1995.

10 *Congressional Quarterly Almanac*, 1995, 1-3.

11 The number of women in the House increased from 47 to 48 when Juanita Millender-McDonald won a special election in March 1996. The number of women Senators in the 104th Congress later increased to nine when Sheila Frahm of Kansas was appointed to complete an unexpired term.

and Republican women who had served in the 103rd Congress. Illustratively, while the newly elected women of the 103rd Congress captured the post-election spotlight when they put forward a bipartisan agenda representing their shared concerns as women, the newly elected women of the 104th Congress captured the spotlight when a gathering of Republican women newcomers presented conservative talk-radio host Rush Limbaugh with a plaque certifying that there was not a “Femi-Nazi” among them. The 103rd Congress passed record numbers of bills aimed at helping women, children and families; the 104th Congress was decried by many feminist groups as the most anti-woman Congress in history. The heightened ideological diversity among women in Congress, as well as the shift to the right within Congress and among its leadership, raised serious questions about whether women legislators could achieve bipartisan agreement in support of a legislative agenda for women.

Institutional Changes

The new Republican leadership, particularly in the House of Representatives, made many procedural and structural changes that reduced the potential for women to work together across party lines. Changes in the Senate were less bold, with the Senate Republican Conference adopting strictures on its own members that did not alter traditional Senate rules, but that nonetheless limited bipartisan action by women on behalf of women. Differences between institutional processes in the two Congresses help to explain in large measure why bipartisan collaboration was far more feasible in the 103rd Congress than in the 104th.

Republican Control of the House and Party Discipline: The shift in control of both houses of Congress from the Democrats to the Republicans had important implications. The new conservative majority was less sympathetic to the kinds of policies that had inspired bipartisan cooperation among women in the previous Congress and had far less cordial relations with the women’s rights community outside of Congress.

The desire for party unity was strong among Republicans, and the new leadership under Speaker Newt Gingrich (R-GA) sought to impose stricter discipline on Republican members of Congress to adhere to party-prescribed policy stances.

The new Republican majority also instituted a number of changes in House rules and procedures. These included new structures and processes for committees, the abolition of some committees, rearrangement of the referral process for legislation, a ban on proxy voting in committees, and a reduction in committee staffing. The overall effect of these changes was to further strengthen leadership control over House action.

Withdrawal of Support from the Congressional Caucus for Women’s Issues: Among the rules changes instituted by House Speaker Gingrich and his leadership team, the one most devastating to the prospects for collaboration among women in the Congress was the defunding and, in effect, the elimination of Legislative Service Organizations (LSOs), including the Congressional Caucus for Women’s Issues (CCWI).¹²

From its creation in 1977 to 1994, the CCWI was the vehicle through which women were most visibly and formally organized within the Congress. In the bipartisan Caucus, women members’ participation ranged from a high of 100% in the 96th Congress to a low of 48% in the 97th Congress. During the 103rd Congress, CCWI membership included 97% of the Democratic women and 50% (six of the twelve) Republican women in the Congress. LSOs like CCWI allowed House members who shared common characteristics or interests to use shared resources to conduct research, share ideas and information, develop legislation and legislative strategies, and give collective voice to issues that might otherwise receive little attention. LSOs used pooled funds from members’ staff allowances

¹² For a complete account of the history of the Congressional Women’s Caucus, see Irwin Gertzog, *Congresswomen in the Breech: The Women’s Caucus Before and After the ‘Republican Revolution.’* New Brunswick: Center for American Women and Politics, forthcoming

While neither party had women among its core of top decision-makers, the Republican party made a concerted effort to place women in highly visible positions.

to hire staff, and they were provided with Capitol Hill office space and furnishings. Thus, while effective for their members, they posed a threat to the House leadership's control because they provided a mechanism for group action, sometimes across party lines and often in opposition to House leadership.

To dampen the potential impact of LSOs, the House leadership withdrew offices, furnishings and equipment from the groups. Members were told they could no longer pay LSO staff from their staff allowances, and there were restrictions on how much the organizations could charge for publications, since such fees might be used to cover organizational costs. These rule changes marked the end of CCWI and 27 other LSOs as they had previously existed. CCWI was reorganized as a "Congressional Members Organization" (CMO), a looser grouping without its own staff or funding. Former CCWI staff, with support from former CCWI members, established Women's Policy, Inc., a non-profit organization designed to continue the research and information functions formerly conducted by the Caucus. Although the Women's Caucus remained active in the 104th Congress, its bipartisan composition changed. Of the Democratic women in Congress, 100% remained members, while 47% of the Republican women joined the Caucus, with 5 participating actively in the CCWI.¹³

Position of Women within the Institution: Seniority, along with leadership roles within the party caucuses and legislative committees, is critical to any legislator's ability to influence legislation. The increase in the number of women in Congress following the 1992 election, coupled with the increased seniority of veteran congresswomen, led to the assignment of many more women to and the promotion of a few women on important committees. Key committee assignments afforded women institutional and procedural power to influence legislation throughout all stages of the legislative process. Through their roles on subcommittees and committees, congresswomen gained the power to intervene to protect legislation intended to benefit women in hearings and mark-up sessions, through floor amendments, and in conference committees.

Although the number of women held relatively stable across the 103rd and 104th Congresses, the influence of women was affected by the shift to Republican control. Republican women were a smaller proportion of the majority party members in the 104th Congress than Democratic women had been in the 103rd. Yet, some Republican women were better positioned to influence party leadership decisions than their Democratic counterparts had been. While neither party had women among its core of top decision-makers, the Republican party made a concerted effort to place women in highly visible positions. A number of women, including Congresswomen Susan Molinari (R-NY) and Jennifer Dunn (R-WA), and later, Congresswomen Deborah Pryce (R-OH) and Tillie Fowler (R-FL), were given high-visibility leadership slots. Congresswoman Jan Meyers (R-KS) chaired the Small Business Committee, a committee that might have been abolished as part of the House restructuring had a woman not been in line to chair it. Congresswoman Barbara Vucanovich (R-NV) became the first woman in 26 years to chair an Appropriations Subcommittee. House Speaker Gingrich held regular meetings with Republican women, a tradition which he had launched in the 103rd Congress when the GOP was in the minority. Thus, although there were fewer women in the Republican majority in the 104th, they were better positioned to influence legislative outcomes.

Changes in Political Climate

The Republican takeover of the Congress in 1995 changed not only the party in power, but also the ideological climate. The class of freshmen who gave the GOP control of the House of Representatives stood firmly on the platform of the Contract With America.

¹³ The five Republican members active in the Women's Caucus were Connie Morella (R-MD, caucus co-chair), Nancy Johnson (R-CT, caucus vice-chair), Marge Roukema (R-NJ), Jan Meyers (R-KS), and Sue Kelly (R-NY).

Advancing anti-government views, the new cadre of conservative lawmakers displayed remarkable ideological cohesion. In the 104th Congress, as in the 103rd, women members were more liberal and feminist than their male counterparts. The increase in conservative women in the Republican Party, however, gave voice to a group of women as thoroughly opposed to a progressive women's agenda as were their male counterparts. None of the six new conservative women members joined the Congressional Caucus on Women's Issues. Instead, they advanced a conservative vision of the nature of women's interests and policy priorities for women. In the context of such ideological polarization, Democratic Congresswoman Patsy Mink formed the Democratic Women Member's Organization, which produced a report, entitled "The GOP Legislative War on Women."

As certain progressive stances on women's issues became increasingly associated with Democrats, some moderate Republican women grew concerned that their credibility within the Republican caucus would be impaired by visible support of policies promoted by Democrats. Numerous staffers suggested that Republican women were cautious to avoid losing credibility within their party by focusing too heavily on women's issues. One Congresswoman who had participated in the CAWP research about the 103rd Congress refused an interview after the 104th, with her apologetic staffer explaining that she had to be careful about "things such as this" (i.e. women) now. And there were at least implied threats of party-endorsed, conservative primary opponents if moderate Republican women failed to support the leadership on key votes. As the following case studies make clear, increased willingness to impose party discipline on moderates, coupled with the presence of conservative women members, had severe repercussions for bipartisan efforts to develop and promote a women's legislative agenda.

Crime Legislation in the 103rd and 104th Congresses

Law and order have traditionally been construed as “men’s issues.” Protecting women and children from outside threats has long been cast as one of the primary responsibilities of men within the home and of the predominantly male police force in the streets. Yet when the Clinton Administration identified crime legislation as a major priority, women in the 103rd Congress used sections of the Omnibus Crime Bill as the foundation for new initiatives to benefit women. Drawing upon research documenting domestic violence and stalking as particularly gendered crimes, women legislators made a case that women face a common threat that traditional policing had failed to address adequately. By politicizing women’s unique vulnerability to certain forms of violence, women legislators helped to forge voting coalitions to pass the Violence Against Women Act, as well as anti-stalking legislation. Women legislators also gave voice to women’s greater support for gun control in shaping legislation to ban assault weapons. Through strategic legislative maneuvers and floor debates in all three areas, congresswomen demonstrated their legislative acumen and political sagacity, while simultaneously signaling that crime is a “women’s issue.”

Violence Against Women Act (VAWA)

Contrary to the belief that violence against women is rare, sporadic, and typically perpetrated by strangers, American women face the greatest threat of physical abuse from the men with whom they live. Studies by the Law Enforcement Assistance Administration indicate that in the United States one in ten women is beaten by her husband or lover in any year and that one in five is beaten in any five-year period. It is estimated that 1.8 to 3.3 million women experience some form of intraspousal violence every year. Although police response to domestic violence has improved somewhat over the past 25 years, in many parts of the country, women who experience domestic violence are poorly served by the forces that are supposed to protect them.

To address this problem, women and men in Congress worked across party lines to ensure that the Violence Against Women Act (VAWA) was included in the Omnibus Crime Bill signed by President Clinton on September 13, 1994. The principal architect of VAWA was Senator Joseph Biden (D-DE), Chair of the Senate Judiciary Committee, who not only sponsored the original legislation, but also made the strategic decision to include VAWA within the Omnibus Crime Bill. By including VAWA within this larger crime package, Senator Biden hoped to facilitate funding for the bill and to avoid separate debates on some of the controversial provisions of the legislation. VAWA sought to provide federal remedies for violence against women, an issue that traditionally fell within the jurisdiction of state legislatures. To accomplish that end, Title III of VAWA defines gender-motivated crimes as “bias” or “hate” crimes that deprive victims of their civil rights. By making gender-based assault a violation of federal civil rights statutes, Congress afforded victims of such assaults an opportunity to bring federal lawsuits against their assailants.¹⁴

Women in Congress influenced VAWA’s fate both collectively and as individuals. Collectively, women worked to get VAWA out of the House Judiciary Committee and onto the floor for a vote, where it passed unanimously. Congresswomen Pat Schroeder (D-CO), Louise Slaughter (D-NY), and Connie Morella (R-MD), along with Congressman Charles Schumer (D-NY), served as VAWA’s chief sponsors in the House. As a member of the House Judiciary Committee, Schroeder played a crucial role as watch guard for the legislation, alerting other women members of the need to mobilize to pressure House Judiciary Committee chair, Congressman Jack Brooks (D-TX), who was not enthusiastic about VAWA, to move the proposed bill out of committee. Women also intervened successfully to persuade members of the conference committee to preserve key provisions

¹⁴ In May, 2000, the U.S. Supreme Court declared this civil rights provision of VAWA unconstitutional in *U.S. v. Morrison*. According to the Court majority, the effort to define violence against women as a federal civil rights violation constituted a federal infringement on state jurisdiction.

of VAWA included in the Senate version of the bill that had been omitted from the House version. Although no women were appointed to the conference committee, congresswomen launched a bipartisan effort to lobby conferees to preserve the definition of gender-motivated crimes as violations of federal civil rights laws, to retain a provision that enabled abused immigrant spouses of U.S. citizens to apply for legal resident status on their own behalf, and to preserve the higher funding level (\$1.6 billion) for VAWA authorized in the Senate version.

According to one member of a Congressional staff, the bipartisan mobilization of Congresswomen in support of VAWA was clear and unequivocal: “They were very clear that this was something that had to be in the crime bill package and that it was the women’s issue really for the year.” In the aftermath of publicity declaring 1992, “the Year of the Woman,” many male members of Congress were eager to appeal to women voters. According to one staffer, “a lot of men were looking for a good women’s issue that they could be on the right side on.” When Democratic and Republican congresswomen spoke with one voice about the importance of VAWA, their male counterparts accepted their judgment. Indeed, some staff members suggested that congresswomen used the heightened awareness of domestic violence in the wake of the O. J. Simpson trial to convince their male colleagues that to oppose VAWA would have been, in the words of one staffer, “a total loser for any politician.”

Just as the bipartisan effort of congresswomen in the 103rd Congress was central to the passage of VAWA, their efforts in the 104th Congress were essential to stave off efforts to cut federal funding for the legislation. According to the original provisions of the Omnibus Crime Bill, the \$1.6 billion for VAWA funding was placed in the Crime Trust Fund to be distributed over a six-year period for programs to prevent domestic violence and sexual assault crimes. During the annual budget cycle each year, Congress must reauthorize VAWA funding for the next fiscal year and has the option of either reducing or increasing funds allotted to VAWA programs. When attempts were made to reduce VAWA funding in the 104th Congress from \$60 million to \$400,000, women mobilized to prevent funding cuts.

In the House, Congresswoman Nita Lowey (D-NY) crafted two amendments that would fund at or above their originally authorized level VAWA programs to reduce domestic violence. Her first amendment would have transferred \$62 million of unallocated funds from the Crime Trust Fund to the Department of Health and Human Services to supplement \$400,000 in HHS funding for domestic violence programs. Lowey’s second amendment would have fully funded VAWA programs through an allocation to the Department of Justice that diverted funds from programs at the State Department and the National Oceanic and Atmospheric Administration. Both amendments were defeated in committee. While Lowey was trying to get her amendments passed, however, Congresswoman Connie Morella (R-MD), co-chair of the Congressional Caucus for Women’s Issues, circulated a letter to her fellow Republican congresswomen in an attempt to generate support for Lowey’s efforts.

Congresswoman Susan Molinari (R-NY) also played an important role in getting VAWA funding increased. Molinari helped persuade Congressman Harold Rogers (R-KY), chair of the Appropriations Subcommittee on Commerce, State, and Justice, to offer an amendment that would transfer \$40 million of unappropriated crime bill trust funds to the Labor, Health and Human Services appropriation. Rogers’ amendment increased VAWA funding for domestic violence programs from \$400,000 to \$73 million, \$11 million more than Congresswomen Lowey had recommended. According to one Democratic congressional staffer, Molinari and Rogers both approached Lowey with the offer that Rogers would propose an increase in return for her agreement not to pursue an additional amendment. In describing the events surrounding Rogers’ amendment, the staff member said “(it) makes sense if you think about it, because the last thing the Republican leadership wanted to do was argue with a bipartisan group of women on the floor about funding for domestic violence.” The Rogers’ amendment was adopted by voice vote without debate.

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The successful pairing of Democratic and Republican women on this issue demonstrates how women were able to protect hard-won gains from the 103rd Congress, despite the dramatic change in political climate in the 104th Congress. Prior to Rogers' agreement to offer the amendment, he had been opposed to any increases in funding for domestic violence programs. However, Molinari's commitment to VAWA, combined with her close ties to Republican leaders, helped to ensure that funding was restored to department appropriations that fund VAWA programs. The possibility that Lowey would introduce additional amendments to increase VAWA funding gave Molinari leverage to use in her efforts to persuade Rogers. The efforts of Morella in circulating "Dear Colleague" letters to Republican women helped rally Republican women to support VAWA funding. Thus, through efforts on both sides of the aisle, congresswomen were able to thwart serious reductions in the 1996 VAWA funding.

In the Senate, Republicans again tried to decrease VAWA appropriations, but Senator Joseph Biden played the most visible role in restoring the funding in the final legislation. As ranking minority member of the Senate Judiciary Committee, Senator Biden, who was the primary Senate proponent of VAWA in the 103rd Congress, was positioned to take action where women senators could not. Biden proposed an amendment that would restore \$75 million to VAWA funding within the Department of Justice appropriations, and it was adopted by a 99-0 vote. While Senate women were less visibly active around VAWA funding than their House colleagues, Senator Olympia Snowe (R-ME) worked closely with Biden to offset reductions in funding.

One factor that supported efforts to limit proposed cuts to VAWA funding was fear by Republicans that their actions might alienate many women voters. Republican women emphasized that attempts to weaken VAWA would be perceived by many as insensitivity to violence against women. Indeed, one Republican staffer suggested that Congresswoman Susan Molinari may have used this argument to persuade Republican leadership not to proceed with their proposed cuts.

[S]he probably told them, 'If you don't do this, you're going to make the party look bad.' And they were all, as you know, very frantic about the gender gap. And I think somehow she persuaded them that this was politically the thing to do.

Electoral politics, then, may have helped stem the tide of funding cuts and, in combination with the bipartisan efforts of congresswomen, offset VAWA losses in the 104th Congress, just as electoral politics played an important role in the passage of VAWA in the 103rd.

Assault Weapons Ban

In addition to VAWA, many congresswomen worked to represent women by supporting the inclusion of an assault weapons ban in the 1994 Omnibus Crime Bill. Since the 1930s, public opinion polls have consistently indicated that women are more concerned about gun ownership and more supportive of gun control than are men in this country.¹⁵ In supporting legislation to ban assault weapons, Democratic and Republican women acted together in the 103rd Congress to give voice to this women's concern.

In the 103rd Congress, Senator Dianne Feinstein (D-CA) was the principal architect of an amendment to the Crime Bill that banned assault weapons. Using her positional power on the Senate Judiciary Committee, Senator Feinstein worked tirelessly to line up the votes to include the Assault Weapons Ban in the Senate version of the Omnibus Crime Bill. According to Senator Carol Moseley-Braun (D-IL), who served with Feinstein on the Senate Judiciary Committee, Feinstein's determination was the key to the passage of the ban on assault weapons:

[Senator Feinstein] hounded everyone. She talked to every member, she talked to every member's mother, she talked to everyone, but she worked that bill. And...I'd say that the assault weapons ban is testimony to her hard work and

15 Janet Flammang, *Women's Political Voice: How Women are Transforming the Practice and Study of Politics*, Temple University Press, 1997, p. 126.

just doggedness. Because, at a time when I and every other member of the [Judiciary] Committee had concluded that this was just a symbolic thing and there was no way we were going to get the votes, Dianne went out and worked and got the votes.

When the amendment on the assault weapons ban came up for a vote in the House, women members organized a systematic whipping effort to secure votes for passage. Women legislators voted overwhelmingly in favor of the ban: 91% of the Democratic congresswomen compared to 66% of the Democratic congressmen and 58% of the Republican congresswomen compared to 19% of the Republican congressmen voted to ban assault weapons.

In the 104th Congress, Congressman Jim Chapman (D-TX) introduced HR 125, “The Gun Crime Enforcement and Second Amendment Restoration Act of 1996,” which was designed to “repeal the ban on semiautomatic weapons and the ban on large capacity ammunition feeding devices.” While the chief sponsor of legislation to repeal the ban was a Democrat, Republican leaders were equally vocal about overturning the ban, citing Second Amendment concerns. When it came to a vote in the House, the effort to repeal the assault weapons ban passed by 239-173. Democratic women remained steadfast in their opposition to repeal, with 93% of them voting against. Under enormous pressure from Republican leadership to vote with the party, more than half (59%) of the House Republican women supported the repeal effort. Despite that pressure, a sizable minority (41%) of Republican women voted against the repeal.

Support among Republican women for the repeal of the assault weapons ban can be traced largely to the new cohort of conservative Republican women elected in 1994, who advanced different conceptions of the women’s interests at stake in the debate. In addition to constitutional arguments, some Republican women framed their objection to gun control legislation in terms of women’s vulnerability to crime and the need to protect themselves. For example, Congresswoman Helen Chenoweth (R-ID) noted:

...I have been very outspoken on Second Amendment rights issues, but it’s a safety concern too, for women. In some areas we are the weaker sex physically. It certainly helps to know you have an ability to help protect yourself if you need it. Up here on the Hill I can’t even carry my Mace, a little Mace spray.

While the issue of vulnerability to crime was also raised in debates by Democratic women who opposed the repeal effort, they did not argue in gender-specific terms, but rather emphasized the threat posed to all by the availability of assault weapons. Congresswoman Sheila Jackson-Lee (D-TX) countered the Second Amendment concerns and the vulnerability to crime concerns of repeal supporters by making a distinction between guns subject to the ban, which she saw as more likely to be used in the commission of a crime, and those untouched by the ban, which were used primarily by hunters and sportsmen.

Although different conceptions of women’s needs did surface in floor debates as some Republican women appealed to women’s need for self-protection and many Democratic women appealed to women’s concerns to make their communities safer by eliminating assault weapons, neither Republican nor Democratic women were particularly active around the proposed repeal of the assault weapons ban in the 104th Congress. Given their overwhelming support of the ban in the 103rd Congress, Democratic women might have been expected to be vocal about upholding it. However, in the changed political environment of the 104th Congress, certain political calculations help explain women’s relative inactivity. Despite the bill’s success in the House, it was generally assumed that it would not clear the Senate, because Senate Majority Leader Robert Dole (R-KS) was planning his 1996 run for the White House and did not want to antagonize a public already hostile to guns and violence. With the Oklahoma City bombing fresh in the minds of potential voters, Republicans feared that a repeal of the ban under their leadership might be interpreted as caving in to the National Rifle Association and “special interests.” External pressures brought to bear on Senate Republicans made the bill’s defeat all but certain. Women’s involvement in the House, whether in support of or in opposition to

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repealing the assault weapons ban, thus seemed unnecessary, and they chose to preserve their political capital for other issues.

Anti-Stalking Legislation

In contrast to the collective tactics developed by congresswomen to pass VAWA and the assault weapons ban, anti-stalking legislation was the product of intricate legislative maneuvers orchestrated by Senator Kay Bailey Hutchison (R-TX). In the 104th Congress, Senator Hutchison introduced legislation to make it a federal crime to cross state lines with the intent of harassing or injuring another person. The Interstate Stalking Punishment and Prevention Act makes it a federal felony to cross a state line to stalk someone, to cross a state line in violation of a restraining order, or to stalk someone on federal property. The law also mandates a five-year jail term for stalking, a ten-year jail term if a gun is involved in the stalking, and a fifteen-year jail term if there is serious bodily harm to the victim.

Drawing upon her personal experience with a stalker over the course of more than twenty years, Senator Hutchison convinced her male colleagues on the Hill to support federal legislation to address stalking, a crime in which the perpetrators are almost exclusively men and the victims are predominantly women. Hutchison shared with fellow senators her lengthy ordeal while being stalked by a former mental patient whose efforts to threaten and intimidate her included driving an ice pick through a poster of Hutchison in her campaign office. Hutchison emphasized that she had staff to screen her calls and visitors, affording her a level of protection that most women harassed by former spouses, ex-boyfriends, and others lack. Hutchison explained the intensity of her advocacy for the legislation straightforwardly: “I hope we’ll be able to prevent the harassment and even murders of women and children.”

Senator Hutchison faced significant obstacles to her effort to amend Title 18 of the U.S. Code to provide federal remedies for stalking, for this proposal like VAWA created jurisdiction for the federal government in an area traditionally reserved to the states. Finding that she could make little headway on the legislation within the Senate Judiciary Committee, Hutchison used her positional power on the Senate Armed Services Committee to garner support for the bill. Enlisting the aid of Senator Strom Thurmond, Chair of the Armed Services Committee, Hutchison persuaded her colleagues on the committee to include this anti-stalking bill within the defense authorization legislation for 1996. Subsumed under this larger bill, the anti-stalking amendment passed the Senate by unanimous consent.

On the House side, the anti-stalking proposal was introduced by Congressman Edward Royce (R-CA), who had authored the first state anti-stalking law in California in 1990. Working in close collaboration with Senator Hutchison, Congressman Royce also included the proposed bill as an amendment to the defense authorization legislation. Thus, the Interstate Stalking Punishment and Prevention Act passed the House as part of a \$265.6 billion defense authorization bill by a vote of 285 to 132. While “burying” the anti-stalking legislation within defense appropriations was a successful strategy for securing passage of the legislation, especially in a Congress controlled by conservative Republican legislators, this strategy complicated matters for some of the women members of the House. Although supportive of the anti-stalking provision, 15 women members of the House (13 Democrats and two Republicans) voted against the defense authorization bill; two women members (one Democrat and one Republican) did not vote. When President Clinton signed the bill into law in September 1996, he noted that although the bill authorized \$11 billion more in defense spending than he had requested, he strongly supported the new federal anti-stalking law.

Although the political climate changed dramatically from the 103rd to the 104th Congress, in the area of crime legislation, a majority of congresswomen were able to come together and identify common ground upon which to create legislation addressing violence against women as well as certain forms of gun violence, persistent concerns of large numbers of American women. They helped secure passage of VAWA in 1994 and used

their considerable skill to offset funding losses in the conservative climate of the 104th Congress. Attending to violence against women – in the home and on the streets – women legislators worked across party lines to insist upon the federal government’s legitimate role not only to protect women, but to prevent violence, and to provide assistance to women who experience violence. By sponsoring and co-sponsoring legislation, using their positional power in committees and within their parties, rallying votes within and across party lines, congresswomen helped secure legislative victories for VAWA, the assault weapons ban, and anti-stalking legislation.

Women's Health

Certainly women's health is an issue that affects all women, no matter. You can't have partisan politics on something like that.

Congresswoman Helen Bentley (R-MD)

The seeds for congresswomen's mobilization around a women's health agenda were sown in the course of routine congressional oversight of the National Institutes of Health (NIH). In the mid-1980s, while reviewing several NIH-funded health studies, Congresswoman Pat Schroeder (D-CO) was disturbed to find that the research results referred exclusively to men. Schroeder and Congresswomen Olympia Snowe (R-ME), the co-chairs of the Congressional Caucus for Women's Issues, asked the NIH to send them a profile of participants in all NIH health studies and were shocked to discover that federally funded research was being done exclusively on men. Recognizing that the absence of women from clinical trials meant that recommended treatments for heart disease and other conditions could not be assumed to be effective for women, Schroeder and Snowe persuaded NIH to change its regulations to mandate the inclusion of women in all future NIH-supported research. Several years later, they were furious to discover that although NIH had published the new regulations, they had failed to enforce them.

In response to such bureaucratic intransigence, Schroeder and Snowe convened the Congressional Caucus for Women's Issues to discuss growing concern about a range of women's health issues. CCWI members and staff saw strong potential for mobilizing women across party lines in support of a women's health initiative. Seizing upon the finding that NIH researchers were routinely failing to comply with NIH's own guidelines mandating inclusion of women in research and clinical trials, Schroeder urged the CCWI to link the exclusion of women from clinical trials to other forms of gender-based discrimination.

Simply put, the CCWI framed women's health as a sex-equity issue. In the area of federally-funded health research, women were being subjected to gender discrimination as a result of the inequitable use of tax dollars. Within this frame, Democratic and Republican legislators could condemn the unequal use of tax dollars that rendered doctors less able to treat women than men. By demonstrating an instance of gender inequality readily remediable through limited political action, CCWI hoped to provide a legislative vehicle for a range of women's health concerns, while capturing media attention and public support.

The Women's Health Equity Act (WHEA), an omnibus women's health bill that contained 32 provisions addressing deficiencies in the treatment of women's health research, women's health services, and prevention efforts, was first introduced in 1990. Among other things, the Act mandated the inclusion of women as subjects in federally-funded medical research; created an Office of Women's Health at NIH to review all research proposals prior to funding; and provided funds for research on diseases such as breast cancer, ovarian and uterine cancer, osteoporosis, and other diseases that afflict women primarily or exclusively.

New versions of WHEA were introduced in the 103rd and 104th Congresses. Democratic and Republican congresswomen in the 103rd and 104th Congresses described a remarkable degree of unity among women in Congress on women's health policy.

I think it's common ground....We're all concerned about our health, our bodies, and our mothers and our daughters. It's just a natural for all women to come together.

Congresswoman Marilyn Lloyd (D-TN)

Certainly women's health is an issue that affects all women, no matter. You can't have partisan politics on something like that.

Congresswoman Helen Bentley (R-MD)

Although congresswomen continued to disagree about "best practices" for promoting women's health in a number of areas covered by the legislation,¹⁶ the omnibus bill consistently emphasized a mixture of research, service and prevention provisions that could unite women legislators on an agenda for women's health policy.

Framing federal expenditures on women's health as an equity issue helped to build support for the omnibus bill among men as well as women legislators of both parties. It was only fair, proponents could argue, that dollars for health research be allocated to serve women as well as men. Capitalizing on the fact that everyone knows someone who has been affected by breast cancer, ovarian cancer, or uterine cancer, advocates of the omnibus bill presented women's health equity, much as VAWA had been framed, as a "Mom and apple pie" issue that no one could comfortably oppose.

As the Women's Health Equity Act moved forward in the 103rd Congress, members felt the heat of organized outside pressure, initiated by but not limited to the Breast Cancer Coalition.¹⁷ Hearing rooms were packed with friends, relatives, and pink-ribbon-wearing breast cancer survivors, and mailboxes were full of letters from family and constituents with heart-wrenching personal stories. For members whose record on other "women's issues" was less than stellar and whose polls showed the potential for a gender gap, votes for women's health were seen as a form of insurance. As one Republican staffer put it:

Women's health issues are becoming more of a political issue in terms of their ability to influence a member's luck in a campaign. [Interviewer: The power of the gender gap?] Yeah, that has become a huge political issue which they are responding to. If you look at this election cycle, everybody who is up has a women's issue, and it's a women's health issue.... I think that it empowered the female members of Congress like almost nothing else.

Within the 103rd Congress, women legislators played key roles in promoting women's health legislation. Their efforts led to new or added funding for women's health concerns. Congresswoman Carrie Meek (D-FL) successfully targeted appropriations for lupus, a disease more common among African-American women than among other populations. Congresswomen Nancy Pelosi (D-CA), Nita Lowey (D-NY) and Rosa DeLauro (D-CT), newly appointed to the House Labor, Health and Human Services (LHHS) Subcommittee of the Appropriations Committee, used their power on the subcommittee to secure an appropriation of more than \$600 million for breast cancer research programs as well as funding for breast and cervical cancer prevention programs and ovarian cancer research. Their Senate counterparts, Senators Barbara Mikulski (D-MD), Patty Murray (D-WA) and Dianne Feinstein (D-CA), lobbied their colleagues on the Appropriations Committee to ensure inclusion of these issues. Breast cancer survivors Barbara Vucanovich (R-NV) and Marilyn Lloyd (D-TN) sponsored hearings and lobbied other members to ensure that legislation was authorized as well as funded. In addition, Congresswoman Connie Morella (R-MD) made certain that issues of concern to women with HIV/AIDS were included in the House Appropriations subcommittee report. Congresswomen, most notably Pat Schroeder (D-CO), also directed attention to the needs of military women, including the authorization of primary and preventive health care services for women at military hospitals and clinics. Women legislators also called for official authorization of the Office of Research on Women's Health at the National Institutes of Health (NIH).

Funding for Women's Health Research

Legislative efforts in Congress proceed on two fronts: the passage of substantive legislation and the appropriation of funds necessary to implement the law after its passage. By framing women's health as an equity issue, the CCWI found a successful strategy to

16 For example, women both inside and outside Congress had varying opinions on issues such as whether obstetrician/gynecologists should be defined as primary care physicians, whether routine testing of bone density mass was necessary, and whether women should have access to silicone breast implants.

17 Indeed, many of the references to women's health in interviews, and thus in this report, focus largely on breast cancer and on the activists who promoted breast cancer research, diagnosis and care. Often these references are in part a shorthand for a range of women's health issues which are thus represented by the issue most frequently the subject of advocacy.

secure the votes to pass many provisions of WHEA. But women in the 103rd and 104th Congresses also had to devote considerable time and energy to appropriations battles over women's health research and services.

An audit of NIH conducted by the General Accounting Office, which had been requested by Congresswomen Pat Schroeder (D-CO) and Olympia Snowe (R-ME), revealed that barely 13% of the NIH appropriation for health research was spent on women's health. Although WHEA was framed in terms of equitable expenditure of tax dollars for women's health, no one in Congress proposed that women's health research receive equal funding or funding proportionate to women's presence in the population (52%). Instead, WHEA mandated inclusion of women in all NIH clinical trials and women in Congress concentrated on providing significant budget increases for NIH research on women's diseases. In this endeavor, congresswomen were remarkably successful. Funding for breast cancer research at the National Cancer Institute, for example, which was \$81 million in 1990, was increased to \$267.6 million in 1994 and to \$317.5 million in 1996.¹⁸ Increased research funds were earmarked not only for breast cancer, but also cervical cancer, ovarian cancer, and uterine cancer, as well as research on lupus. Although the increases secured in the 104th Congress were smaller than they had been in the past two Congresses, and breast cancer slipped from "highest" priority to a "high" priority, the appropriations victory in the 104th Congress has to be judged relative to the challenges women's health supporters confronted. As Congresswoman Connie Morella (R-MD) put it, "It was pretty remarkable when you consider, given that context, the fact that in [women's health] we made some great achievements."

Three factors contributed to congresswomen's success in these appropriations battles. First, women of both parties were well placed to fight for these concerns. In the 103rd Congress, positional power on Appropriations Committees enabled Congresswomen Nancy Pelosi (D-CA), Nita Lowey (D-NY) and Rosa DeLauro (D-CT) in the House and Senators Barbara Mikulski (D-MD), Patty Murray (D-WA) and Dianne Feinstein (D-CA) to work in committee and subcommittee to protect funding for women's health research. Describing the importance of Congresswoman Lowey on the Appropriations Committee, one lobbyist noted:

Even after the change in leadership, it was still very important that she was on that committee, because...so much goes on behind closed doors. It's important that you have supporters on those committees...to be able to bring your voice to the table when a deal is being cut behind closed doors, which happens...all the time....There is never a final vote, so it is very difficult to say who is a supporter and who isn't, because when it comes out of committee there is no roll-call vote. You don't know who voted for what. You just know after all of the incredible battles that go on behind that closed door, you see the final results, and you know who you sent in to do battle for you.

In the 104th Congress, Congresswoman Barbara Vucanovich (R-NV) used her power as the chair of an Appropriations Subcommittee and as a member of the Republican leadership to convince male Republicans to support funding increases for women's health even as they pressed for budget cuts in other social programs. As one lobbyist noted:

She did have access to the leadership of the Republican party and in the House that we didn't have access to, and she used that access....My perspective is that [women's groups] were seen as tied to the choice issue, which is seen as tied to the Democratic party. So a women's group by definition must be liberal, must be pro-choice....It was very difficult to get taken seriously by the Republican leadership.

18 Karen Kedrowski and Marilyn Stine Sarow, "The Gendering of Cancer Policy: Media Advocacy and Congressional Policy Attention." Presented at the Women Transforming Congress Conference, Carl Albert Congressional Research and Studies Center, University of Oklahoma, April 13-15, 2000, Table 4.

The second factor that contributed to women legislators' victories in the appropriations process was continuing pressure from women's health advocacy groups. As Congresswoman Nita Lowey (D-NY) observed:

The women around America have been extraordinary advocates. The women who march or run in the Race for the Cure, the women from the breast cancer groups that walk the halls of Congress, have made it a bipartisan issue. And nobody now is going to vote against breast cancer funding....It's the advocacy that has made this an issue that is supported by men and women on the committee. But if we didn't keep our advocacy strong and passionate, I still don't feel confident that the [funding] numbers would continue to improve.

In the 104th Congress, women legislators also attributed their funding victories to the crucial role played by the new Labor, Health, and Human Services subcommittee chair, Congressman John Porter (R-IL). In assessing the significance of his support, Congresswoman Nancy Pelosi (D-CA), a member of the subcommittee, reported:

Important, very important, because he shares the values of many of us on the committee in terms of increasing funding for basic biomedical research and...he has a great deal of knowledge about the National Institutes of Health and the other agencies...that are under the jurisdiction of the committee. So without casting any dark light on the other members of the committee, there is no one on the Republican side who compares with Mr. Porter and who has some common ground with us and has been a leader.

Congressman Porter became an ally of the women's health advocates once a small compromise over the issue of "earmarking" funds for medical research was hammered out.

Beyond the issue of program costs, opposition to appropriations aimed at women's health focused largely on who should decide what research to undertake: lawmakers or scientists. While no member of Congress would say publicly that research on breast cancer or lupus was unworthy, some, including Congressman Porter, questioned the appropriateness of earmarking NIH funds for specific diseases. Senator Nancy Kassebaum (R-KS) admitted that she had to overcome doubts about the precedent that was being set before cosponsoring breast and cervical cancer support and voting for the NIH reauthorization with targeted women's health provisions:

Well, that's where a lot of pressure comes. You don't want to be seen as not caring in that instance. And yet, just to give you an example, there is growing pressure to create a special program for Parkinson's research at NIH. Well, we care a lot about that — I mean, who wouldn't? But do we create another initiative out there?...I think with all of the attention that was paid to breast cancer, everybody now views that as a great PR effort, which now they think they need to gear up to get the same attention.

Members of Congress who opposed all earmarks were concerned about Congress telling scientists exactly how to conduct research. As one staffer described it, many Congress members objected to "letting this sort of political agenda dominate the science."

To overcome this objection, proponents of increased spending on women's health research had to do more than make the case that women's health concerns had been neglected in the past and needed special attention to make sure they were addressed. They decided to rely on an informal mode of congressional oversight to appropriate funds for women's health research rather than insisting on earmarking. Because Congress has the constitutional right and responsibility to review federal agencies' performance in conjunction with the normal appropriations process, agency heads are reluctant to defy the express wishes of Appropriations Committee members. Thus, given the resistance to earmarking, the actual appropriations bills did not include line items for research on specific women's diseases or conditions. Instead, the committee reports attached to the bills used clear language to indicate the expectation of Congress that money would be spent for specific purposes. As one staffer explained the link between oversight and the appropriations process:

The real difference was having the women in key spots on the subcommittee, and the fact that there were several of them. It made it harder to ignore women's issues....

A lobbyist

If you get a copy of the Labor, Health, and Human Services Appropriations Bill and look through it, you won't see a line item for lupus research. You won't see a line item for ovarian cancer. You won't see it because there aren't any there....It's up to the agencies. In reality...if there is a specific...dollar [amount] mentioned, even in the report, they will pretty much go ahead and do that because they know full well that if they don't they're going to get grilled by somebody when they come up next year for their budget request, and they don't want to be embarrassed that way, and...they don't want to bite the hand that feeds them.

With this legislative maneuver, women legislators were able to secure the support of Labor, Health, and Human Services subcommittee chair Porter and increase appropriations for women's health research at a time when the Republican leadership of the 104th Congress was pressing hard for domestic budget cuts.

Funding for Breast and Cervical Cancer Mortality Prevention Programs

Although CCWI's health equity strategy was designed to foster unity on women's health issues, insisting that all women benefit from increased spending on women's health research, there was strong sentiment among some women's health advocates inside and outside of the Congress that poor women also needed direct services. In the words of one Congressional staffer:

I was always amazed that the women from the Breast Cancer Coalition, sort of the upper-middle class women who were concerned about this, would always come in and want to talk about research money, whereas you can argue the place where lives are being saved today is the [Centers for Disease Control] money. And poor women and older women — not the kind of women who were active in the Breast Cancer Coalition — I always thought they got the short end of the stick.

Low-income women and women without adequate insurance could benefit much more immediately and directly from increased funding to make existing health care services more widely available. To serve this constituency of women, some congresswomen devoted considerable effort to passage and funding of the Centers for Disease Control Breast and Cervical Cancer Mortality Prevention Act. Incorporated into WHEA, this legislation was originally authorized in 1990. Under its provisions, the CDC created demonstration projects in fewer than half the states, which provided cancer screening, e.g., mammograms and pap smears, for low-income women.

Within the 103rd and 104th Congresses, the struggle for the CDC Breast and Cervical Cancer Mortality Prevention Act was strictly a battle over dollars. Although the program was not given much priority by the Clinton administration, in part because the proposed health care reform legislation addressed these needs, a number of women members in the 103rd Congress hoped to move quickly to expand it to all 50 states. Democratic women serving on the House and Senate Appropriations Committees again played a major role. As one lobbyist explained:

We worked very closely with (Congresswoman) Rosa DeLauro's office, Congresswoman Pelosi, Congresswoman Lowey, as well as some of their male colleagues...who were pushing a prevention package that included several women's health issues. [Compared with the situation in the 102nd Congress when there were no women on the subcommittee,] the subcommittee was more receptive to increasing funds for programs that were identified as improving women's health....The real difference was having the women in key spots on the subcommittee, and the fact that there were several of them. It made it harder to ignore women's issues....On the Senate side, it was Senator Mikulski who introduced the bill....Senator Mikulski's interest in it made the difference....And the fact that she was on the Appropriations Committee and knew the members absolutely made a difference.

Although they did not succeed in increasing funding to a level that would support cancer screening programs for low-income women in all 50 states, Democratic congresswomen's efforts were seen as making the difference in raising funding levels from \$72.3 million to \$100 million by the end of the 103rd Congress. As one staff member close to the process observed:

I can say this unequivocally because of all the meetings I was privy to: without Rosa DeLauro and the other two [Democratic] women [on the Labor, Health, and Human Services appropriations subcommittee], that program would not have seen the increases it saw over the last two years. I don't think there's anybody who could question that.

In the 104th Congress, the level of appropriations for the CDC cancer-screening program increased by 40 percent, growing from \$100 million to \$140 million by the end of the session. The program's success in the 104th Congress, as in the 103rd, was helped by the presence of supportive women from both parties on key committees who used their influence to increase funding. In addition, the strategy of folding the CDC programs into an omnibus women's health equity bill enabled the momentum of the highly visible fight for research funds for breast cancer to carry over to the quest for funding for prevention programs for low-income women in selected states. Unlike many other social programs that fell under the Republican's budget knife, this bundling of issues may have helped conservative Republican members of Congress to perceive support for cancer screening programs as a non-controversial women's issue that could help them secure women's votes in the next election.

Of all the issues congresswomen took up in their effort to represent women, WHEA drew the greatest bipartisan support. Framed as a matter of the equitable distribution of tax dollars and promoted as a major priority of the Congressional Caucus for Women's Issues, WHEA benefitted from the deployment of both collective and individual legislative tactics. Structured as an omnibus bill, WHEA enabled individual congresswomen to include provisions addressing particular health concerns under the larger research-funding rubric. Some prevention efforts and provision of direct services were also incorporated into the larger bill. While congresswomen serving on the Appropriations Subcommittees in the House and Senate used their positional power to move the legislation forward at unprecedented funding levels, many women members participated in efforts to "whip" supportive votes. When asked to identify their greatest legislative successes in the 103rd Congress, virtually all Democratic and Republican congresswomen interviewed mentioned WHEA. When asked about bipartisan cooperation in the 104th Congress, WHEA was the one area that both Democrats and Republicans mentioned as a ground for collaboration across the aisle.

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Health Care Reform and Health Insurance Reform

Prior to any effort to work across party lines to promote women's interests, legislators must agree not only about which policy issues should be construed as "women's issues," but also about the strategic value of emphasizing gender in a particular legislative battle. While many legislators might agree that unequal funding for health research involving women subjects is a straightforward equity issue, the gender-specific effects of legislation drafted to overhaul the health care system or health insurance system are not as immediately obvious. Although the CCWI tried to frame health care reform in terms of a comprehensive conception of women's health,¹⁹ partisan politics and deep ideological commitments concerning the appropriate role of government in the provision and regulation of health care consistently overshadowed gender in these policy discussions. Thus although a case could be made for the importance of the proposed health care reform for women, it was not a case that all congresswomen chose to advance. In the case of health insurance reform, strategic decisions made by veteran Senator Nancy Kassebaum (R-KS) to ensure passage of the legislation included efforts to de-emphasize gender issues related to the bill. Although this decision left many women members unconvinced about the import of the legislation for women, it could be argued that some women's health interests were advanced by an intentional strategy to ignore gender in framing the legislative debate.

The legislative histories of health care reform and health insurance reform present a study in contrasts. Health care reform dominated the agenda of the 103rd Congress, propelled to the top of the national agenda by a newly elected President. Health insurance reform was placed on the agenda of the 104th Congress by the sheer determination of a bipartisan team of senators who worked against the rising conservative tide. The newly enlarged cohort of women legislators scrutinized proposals for health care reform, and later health insurance reform, for potential gender implications, but ultimately failed to achieve consensus about women's interests in these policy debates. The massive reforms and fundamental changes in health care proposed by the Clinton administration in the 103rd Congress created a partisan battleground where some women legislators did identify distinctive women's interests, but partisan loyalties trumped gender in determining the fate of the proposed legislation. By way of contrast, the very limited, incremental change promised by the health insurance reform proposals in the 104th Congress ensured minimal opposition and successful passage.

Women's roles were different in these two battles as well. Although women were not among Congressional insiders on health care reform, some women members and women's organizations mobilized collectively to support health care reform in general and shape provisions they saw as particularly important to women.²⁰ With a few exceptions, neither women's organizations nor women members mobilized collectively on behalf of health insurance reform, yet it was propelled in large part by the commitment of its female chief

19 In developing its case, the CCWI drew upon arguments advanced by the women's health lobby, which emphasized many gendered aspects of health care, including the following points. Women are more likely than men to visit health care professionals. Women's longer life expectancy (5.8 years among whites and 8.1 years among African Americans) means they use the health care system over a longer span and also results in their disproportionate representation in the nursing home population. Although women are about as likely as men to be insured, they are less likely than men to be insured through employer-provided private health insurance plans that are preferred by doctors and hospitals. Women also pay more out-of-pocket costs for health care, largely because of exclusion or ineligibility of many reproduction-related needs. Although women are underrepresented in the medical elites which shape health care policy, they are over-represented among health care employees, particularly in low-paying service-oriented jobs. Moreover, the persistence of gendered roles within the family means that women have more responsibility for seeking out health care for children, for aging relatives, and for other family members. When the health care system fails to meet health care needs, the care-giving burden falls primarily on women.

20 It should be noted, however, that women were "insiders" in the executive branch, with Hillary Clinton leading the ill-fated effort for the administration.

cosponsor, Senator Kassebaum. Women members of Congress lacked the seniority and position to set the agenda for health care reform in the 103rd Congress, but instead had to respond to an agenda that was shaped by others; in contrast, a woman member set the agenda for health insurance reform. Health care reform in the 103rd Congress pushed other issues off the agenda, as many women mobilized to support it and work collectively for its passage; health insurance reform seemed to be a relatively low priority among most women members, for its promised benefits paled in comparison with the potential threat posed by Medicare reductions, Medicaid reform, abortion restrictions and a myriad of other battles occurring in what many considered a firestorm. Women's (sometimes conflicting) interests were visibly and clearly articulated in the health care reform debate in the 103rd Congress; women's interests were masked in health insurance reform debate in the 104th Congress.

Health Care Reform in the 103rd Congress

Early in the session, the CCWI circulated a statement of eight women's health principles to guide work on health care reform. Adopted almost verbatim from the Campaign for Women's Health,²¹ these principles stipulated that "Health care coverage should be available to all." Toward that end, the principles urged that any health benefits package include important services for women, encourage more women to be service providers, eliminate gender stereotyping that can hamper diagnosis and treatment of medical conditions, and support research that would promote good health and prevent disease in women. The Democratic and Republican co-chairs of the Caucus described these eight principles as a bipartisan attempt to focus both on the need to ensure that women have access to coverage, regardless of their employment or marital status, as well as the need to make sure that coverage responds to the unique and special health care needs of women throughout their life spans.

The CCWI scheduled a meeting in February 1993 with First Lady Hillary Rodham Clinton to discuss health care reform in the hope that women members might find common ground across party lines on this highly controversial proposal.²² Later in the year, when the Clinton health plan²³ provided what appeared to be substandard coverage for preventive screening, 37 of the CCWI members spoke out, urging improvements in coverage of mammography, Pap smears and pelvic exams, as well as reiterating support for abortion coverage in the basic benefits package.²⁴

Early efforts to forge a bipartisan coalition emphasized a history of Congressional insensitivity toward and minimization of women's health concerns. As then-Congresswoman and CCWI co-chair Olympia Snowe testified before the House Ways and Means Subcommittee on Health:

[M]ore than anything else, we want to ensure that women are included at the onset during the health care reform proposal and debate that will emerge during this

Women's (sometimes conflicting) interests were visibly and clearly articulated in the health care reform debate in the 103rd Congress; women's interests were masked in health insurance reform debate in the 104th Congress.

21 The Campaign for Women's Health was a coalition of approximately 100 women's organizations convened during the 103rd Congress with the goal of ensuring that health care reform adequately addressed women's health needs.

22 Lloyd Grove, "Hillary's House Call: Hearing Out the Caucus on Women & Health," *The Washington Post*, February 24, 1993, Final Edition, PAGE B1

23 The Clinton plan, officially entitled "The Health Security Act of 1993," would have used a system of "health alliances" set up by state governments, through which consumers and small businesses would purchase health care; larger businesses would have been allowed to operate as "corporate alliances." A national health board set up by the federal government would set standards for benefits and care. All citizens and legal residents would be covered by health insurance and would carry a "Health Security Card" that would entitle them to care even if they moved, changed employers, or started their own businesses. A single claim form used by insurance companies would replace the thousands of existing forms. The plan was to be financed by savings from Medicare, Medicaid, and federal employee health care costs, from "sin taxes," and from reducing the benefits of tax-free compensation. (From "The Health Security Act of 1993," Executive Summary, reprinted on web site at metalab.unc.edu.)

24 "Women's health coverage urged." *USA TODAY*, October 4, 1993, FINAL EDITION Pg. 4A.

Congress. Understand our frame of reference: It was only a few years ago that we learned that women were systematically excluded from clinical drug trials at our premier health research institute, the National Institutes of Health. So from that time forward, we are trying to do everything that we can to ensure that women are included in the health care debate in all dimensions.²⁵

On the Senate side, the first bipartisan salvo in the struggle for women's health was a hearing convened by Senator Barbara Mikulski, who chaired the Subcommittee on Aging. Aimed at raising public awareness of the stakes for women in health care reform, the hearing allowed the Senate's women members to find common ground in their concerns about preventive health screening for women. As one lobbyist explained:

... I think the impact of the women ... was shown most clearly at a hearing that Barbara Mikulski chaired. That was my favorite hearing... because it was very bipartisan. It wasn't Republican and Democrat, it was all the women in the Senate. All of a sudden there were enough women in the Senate to fill up an entire podium, which had never happened before. They were very united and they felt themselves (as they articulated) very empowered to do something as a group... The focus was very much on breast cancer and cervical cancer and preventive health screenings.... Somebody needed to do it, and the men weren't doing it....

Despite the apparent unity among women on general principles, legislators' responses to the Clinton plan and other specific health care proposals quickly broke down along partisan lines. Both Democratic supporters and Republican opponents of the Clinton plan claimed that they best represented the interests of women. Yet in claiming to represent women, different legislators had very different women in mind. Some legislators were keenly attuned to the needs of the single mother struggling to make ends meet in a minimum-wage job without benefits. Others focused upon the interests of the well-educated woman professional whose family had double insurance coverage from benefit packages provided through her own and her husband's employers. Some Democratic supporters of the Clinton plan argued that the proposed health care reform provided guaranteed access to care that was especially important for women whose access to health insurance was particularly tenuous. In the words of Congresswoman Pat Schroeder:

Universal health care coverage is critical to women who have difficulty qualifying for health insurance and are particularly at risk of losing it. Women are significantly more likely than men to be part-time, temporary or seasonal employees. As a result, they are less likely to qualify for employer-sponsored health plans and are most vulnerable to losing their insurance through changes in employment and marital status.²⁶

Yet many liberal Democrats, and particularly many women of color, argued that the Clinton plan was insufficient to meet the medical needs of women. As an alternative, they endorsed a "single payer" or national health system, believing it would go further toward serving underserved populations.

Republican opponents of the Clinton plan argued that the proposed legislation would have negative effects on women. Congresswomen Jennifer Dunn (R-WA) and Deborah Pryce (R-OH) spearheaded the effort to illuminate the drawbacks of the Clinton plan, suggesting that health care reform would create a new set of worries for women ranging from fears of limited doctor choice to economic devastation. Congresswoman Nancy Johnson (R-CT) argued that women across the economic spectrum had cause for concern:

A solution that will cost as many jobs...as the employer mandate will is not a good solution....Two out of every three employees losing their jobs are women, because the first jobs to go will be the lower-paying jobs, the entry-level jobs, and the jobs in retail and in sectors like restaurants. Women will suffer disproportionately from this mandate, losing jobs at a remarkable rate.... In

25 House Ways and Means Subcommittee on Health, March 30, 1993: pg. 6-7.

26 Congressional Record, May 17, 1994.

recent years, women have founded far more small businesses than have men....An employer mandate...will discourage the very most important economic opportunity that women in America have now, and that is to found their own business, expand their own business, and reap the benefits of their abilities and their education and their own energies....So the employer mandate will not only cost jobs but it will hit at women disparately, and for that reason I think it is a bad idea.²⁷

Constituency interests also surfaced to differentiate women legislators' responses to the Clinton plan. For example, Congresswoman Ileana Ros-Lehtinen (R-FL), who was not a member of CCWI, took a stance based on the needs of the sizable immigrant population in her district. Ros-Lehtinen suggested that health care reform must:

...make sure that immigrants...would have access to medical care. There is such an anti-immigrant, anti-refugee, anti-Hispanic feeling up here.... We wanted to make sure that from a public safety viewpoint, folks who are here would have some access to adequate health care, because if not, then you'd have more outbreaks of meningitis and tuberculosis and all kinds of diseases that could be preventable.

Others who had spoken out for women in the context of health care reform pursued measures at odds with the spirit, if not the substance, of Ros-Lehtinen's efforts. Congresswoman Marge Roukema (R-NJ), who played a critical role in helping to maintain abortion coverage in the Clinton plan and in banning employer-provided plans from defining pregnancy as a pre-existing condition, unsuccessfully offered an amendment to block undocumented workers from participating in the Women, Infants and Children (WIC) program. As she explained her efforts:

I strongly believe...that if we have definitions of what is legal and illegal immigration, then we must do everything to enforce the laws and take action against illegal immigrants.... they should not be receiving sustainable support like welfare...unemployment benefits...WIC, et cetera.... The law is the law, and we should be doing everything possible to see to it that we are not attracting illegal immigrants through various ... benefit programs.

Senator Dianne Feinstein (D-CA), who worked on behalf of women's health concerns, also worked on behalf of California interests as she saw them, tightening coverage and cutting costs by excluding immigrants, particularly undocumented immigrants whom many feared would drive up health care costs. Congresswoman Blanche Lambert (D-AR), who represented a poor, rural district, worked on provisions to ensure that rural areas and children in those areas had adequate access to health care facilities, but also worked quietly behind the scenes on other provisions that would have exempted seasonal workers (e.g. farm workers) from coverage under health care reform.

Competing visions of women's interests, partisan concerns, and specific district-related concerns of many members (such as pressures from insurance companies or pharmaceutical interests) diminished the prospects for a unified front among women legislators on health care reform. According to lobbyists, staff members, and women legislators themselves, however, women in Congress did have an impact on the provisions of the proposed legislation pertaining to a relatively narrow range of benefits directly relevant to women, including abortion coverage, preventive screenings for cancer (mammography, Pap smears, pelvic examinations) and designations of obstetricians/gynecologists as primary care physicians.

A particularly telling example of women's impact in shaping the provisions of the proposed health care reform legislation pertains to the coverage for reproductive health. Some women in the House and the Senate warned the White House and Congressional leaders that abortion coverage must be included in the proposed bill and that a battle would ensue if it were not. In the words of Senator Carol Moseley Braun(D-IL):

Competing visions of women's interests, partisan concerns, and specific district-related concerns of many members... diminished the prospects for a unified front among women legislators on health care reform.

27 Congressional Record, April 19, 1994.

We were very much concerned that health care reform did not negatively affect the choice issue. In fact, that was always number one on the agenda.... We certainly did not want to get into a situation in which a Hyde type limitation [on Medicaid funding for abortions] would be applied [to all women]. It's bad enough that it exists for Medicaid funding; it would be horrendous to have it applied to every woman in the country under a private insurance plan. And that was always at risk as part of the health care reform debate, that we would lose ground in terms of choice.

Democratic women and the CCWI lobbied the White House, while Republican women on the House Minority Leader's Health Care Task Force attempted to keep the alternative bill developed by Minority Leader Robert Michel (R-IL) neutral on abortion. The women also pressed their point in the media, and women of both parties generally defended pro-choice positions in committee and in lobbying the leadership. Women on the key committees were particularly important in the House, where amendments on the floor were more restricted than in the Senate and where some feared the commitment of Democratic leaders to reproductive rights might waver. Whether abortion would have remained a covered service if health care reform had reached a floor vote is uncertain, but abortion coverage would not have remained in the bill as long as it did without the mobilization of women members behind it, as one House staffer explained:

It [abortion coverage] would have been gone [without women].... It really took the women playing a very vocal role.... I think they recognized that early on.... They had to lay down the law early and often. So just about every opportunity, [they were] out there screaming. It was necessary in order to hold the line all the way through to the end.

Although the Clinton plan for health care reform was defeated, examining the role of women in its legislative history is instructive. It illuminates not only what provisions would have been omitted from the legislation had women been absent from the debate, but also how sizable a political achievement it is to build consensus about women's needs and interests. As the history of the Clinton proposal for health care reform makes clear, the pitfalls for consensus builders are many and various. The ideological commitments and constituency interests of individual legislators, partisan politics, as well as intense disagreements about the probable effects of legislation on women from different walks of life can make it impossible for women legislators to agree about what legislation will indeed promote women's needs and interests.

Health Insurance Reform in the 104th Congress

Health insurance reform legislation, known as the Kassebaum-Kennedy Act in the Senate and as the Health Insurance Portability and Accountability Act (HIPAA) in the House, moved federal policy in a direction consistent with the defeated Clinton health care plan. The successful passage of health insurance reform can be attributed largely to the omission from the legislation of those features which were most controversial in the Clinton plan; instead, the new legislation focused on those aspects of health care most likely to attract consensus. Thus, the legislation ultimately passed:

- requires insurers to sell and renew group health policies for all employers who want coverage for their employees;
- guarantees renewal of individual policies;
- prohibits insurers from denying insurance to those moving from group coverage to individual coverage;
- limits the length of time coverage can be denied on the basis of a pre-existing condition;
- prohibits insurers from defining pregnancy as a pre-existing condition;
- prohibits group health plans from excluding any employee based on health status;
- contains specific anti-discrimination provisions protecting victims of domestic violence and banning the use of genetic information in defining pre-existing conditions or making decisions about coverage.

Unlike the Clinton plan, the bill contained no price caps or definitions of benefits, no subsidies to help those who could not afford health insurance, and no provisions to help most of those currently uninsured. Nonetheless, moving this legislation was a radical step for a Congress whose leaders had stressed their goal of cutting the size and scope of the federal government and turning power back to the states. As one Republican staffer explained:

Kassebaum-Kennedy...for the first time begins to federalize the regulation of the business of health insurance.... This was viewed from the Republican standpoint as a difficult issue for them because in their general view of federalism, these kinds of matters are appropriately regulated at the state level.

In the new political environment of the 104th Congress, Republican women — despite being even more underrepresented in their party than Democratic women had been in the 103rd Congress — used both formal positions of authority and sheer persistence to influence health insurance reform. As one Republican Senate staffer observed, Republican women members

...played more of a role than people realized in putting health care on the agenda in a Republican Congress.... They worked on and pushed....at least minor, and in some cases more major, pieces of health reform legislation, much of which became part of the Kassebaum-Kennedy health insurance bill.... They were much more vocal and visible and were really clamoring for...in some ways over and against the will of the majority, or certainly the leadership in both houses of Congress, and maybe in even a more explicit way, some of the more traditional Republican interests, like businesses or health insurers.

In contrast to women's actions in the Democratic-dominated 103rd Congress, the Republican women who worked on health insurance never came together publicly around the issue. Their impact was achieved through individual, rather than collective, actions. Their motivations reflected a complex mix of feminist concerns, more traditional women's concerns, and constituent interests.

Few saw gender issues — whether defined in terms of women's traditional concerns as care-givers or in terms of the social change agenda of the contemporary women's movement — in the insurance reform agenda set by Senator Kassebaum. Indeed, Kassebaum steadfastly avoided framing the issue in terms of women. As one lobbyist explained:

I think she looked at this much more broadly than representing women.... People who change jobs or lose their jobs shouldn't be disadvantaged by the insurance market.... In any of the meetings I've ever had with her,... she never framed anything as a women's issue. She always framed it as "You have a right as an employee" or "Your family has a right."

Although the health insurance reform proposal fell far short of the comprehensive vision of women's health care advanced by the Campaign for Women's Health, it included provisions beneficial to many women. Women's Policy Inc. (the organization formed by the former staff of the defunded Congressional Caucus for Women's Issues) emphasized "portability" as particularly important for women, and the Women's Legal Defense Fund undertook a public education effort to show why Kassebaum-Kennedy was beneficial to women.

No woman was positioned as well as Kassebaum in the Senate to shape health insurance reform, and no other woman's influence came close to hers in developing the legislation. Ironically, as one Republican staffer observed:

Clinton's failure with his ambitious plan was largely responsible for Republicans being elected to both the House and the Senate...and in the process, it elevated Kassebaum [to chair the Senate Labor and Human Resources Committee]. She had a different style...a very clear sense of where the American people are and a real sense...of what can be done. She felt from the start that if it didn't get done this time around...it would be a long time and maybe never before we would actually do health reform. So while this was a small step in comparison to what had been proposed just a couple of years earlier, I think for her it was important to try to achieve as much as we could.

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Yet commitment alone was not sufficient to move this legislation. Only because she was appropriately positioned could Kassebaum, in concert with Senator Edward Kennedy (D-MA), resist the conservative tide of the Contract with America and put health insurance reform on the agenda, as a Democratic House staffer commented:

...Seniority counts, position counts, and the reason that women have started to be far more important in the legislative process is that they've been around long enough to get into important positions.... Senator Kassebaum [was] sitting there as chair of a very, very powerful and important committee, [and] there was no [other woman] like her.

Kassebaum succeeded by setting a bipartisan tone of consensus-building in an institution rife with partisan divisions, using a style frequently associated with women.²⁸ She and Kennedy worked behind the scenes, each mobilizing the members and activists with whom they had working relationships. One staffer described the process:

Kennedy was important, not to minimize him. I think the consumer groups and the unions would have gone batty had Kennedy not said, "Look, this is what we can get done." But I think she was the one who...constructed that process of working through it more slowly and more quietly and less brashly than Kennedy, I think, otherwise would have.... They complemented each other.

The result of the consensus-building style employed in the process was that the bill was voted out of the Labor Committee unanimously.

The bill avoided other dangerous shoals, including a potential conflict with the powerful Senate Finance Committee over control of the health care issue and a series of "holds" placed on the bill by hostile Senators, which could have prevented a floor vote. Ultimately, the bill reached the floor because of bipartisan support. It was mentioned by President Clinton in his State of the Union address, and it was brought to the floor because then Majority Leader Robert Dole, a fellow Kansan, promised Kassebaum a vote on her bill, knowing that she was retiring and that the bill was important to her.

On the House side, the leadership did not have a strong position about expanding access to insurance coverage, focusing its attention on other issues. Interviews with staff and lobbyists suggest that women, both inside and outside the Congress, played critical roles in maintaining the pressure to act on health insurance reform. Two Republican Congresswomen, Nancy Johnson (R-CT) and Marge Roukema (R-NJ), undertook separate efforts to push the GOP to action.

While no woman in the House could match Senator Kassebaum's influence during the 104th Congress, Congresswoman Nancy Johnson was the House member most frequently cited as influencing health insurance reform. Johnson's widely acknowledged expertise, track record, and respect among her peers, combined with her willingness to ignore convention, played a critical role in the process. In the early stages, her efforts helped pressure the House leadership to move the bill; this was by no means a customary action. As one Republican staffer explained:

They don't like committee or subcommittee chairs to go out independently and push in front of an issue like that, particularly when there has been no decision yet at the leadership level as to how they want to handle it. They just don't want you to break ranks. So there was angst over [Johnson, a subcommittee chair, pushing the issue]. But in the long run, what I've observed in the House is that squeaky wheels get a lot of grease. And the members know that. And sometimes they make a calculated decision to squeak. And I think Nancy Johnson did that, and I don't think it hurt her terribly.

Although the leadership could have ignored her, Johnson made it difficult for them to do so. Her willingness to be a team player at critical times helped her build political capital

28 Janet Flammang, *Women's Political Voice: How Women are Transforming the Practice and Study of Politics*, Temple University Press, 1997, Chapter 6.

and credibility to undertake efforts that ran counter to her party's agenda. As a lobbyist described it:

She will pick her fights. So she'll be a little bit independent sometimes, but other times she will play on the team and work with the rest of the team....And that's smart, because that builds up some relationship capital in the bank. People know you're serious and you're willing to play on the team, and it makes it a little easier to kind of go out and do your own thing later.

Despite Johnson's early support for health insurance reform, it was another Republican Congresswoman who became the sponsor of the House companion bill to the Kassebaum-Kennedy bill. Congresswoman Marge Roukema described her role:

It was more than just me.... It was the fact that it had passed so handsomely in the Senate.... The polls were showing intense interest and [the GOP leadership] also knew they had to do some repair work on their image. So everything fell into place at the same time, and I was glad to be a part of it. I wasn't singular, but I think I had a definite influence.

Roukema's initial efforts met with resistance from the Republican leadership, in part because she was willing to accept any co-sponsor, rather than accepting only equal numbers of Democrats and Republicans. When far more Democrats than Republicans signed onto the bill, the Republican leadership became wary, concerned that the health insurance industry would not like the bill. House leaders were also reluctant to reward Roukema, who was not viewed as a team player.

However, in the wake of public dissatisfaction with Congress after the November 1995 government shutdown, the leadership needed to move legislation that would put them back in good graces with voters, and particularly with women voters. Although it had been women members who pressed the leadership to put health insurance reform on the agenda in the House, and although the need to reach out to women voters was a factor in the decision to move the issue, the newly centralized decision-making process in the House meant that it was difficult for women to affect the process. Health insurance reform was delegated to a leadership task force headed by then Chief Minority Whip Dennis Hastert (R-IL), with even committee chairs relegated to a secondary role and instructed by leadership how to proceed.

Once the bill went to House committees for review, two women members — Congresswomen Nancy Johnson and Susan Molinari — did play key roles in getting some provisions particularly relevant to women included. Johnson worked to include some limits on insurance companies' use of genetic information and to strengthen consumer protections with regard to pre-existing conditions. Molinari was widely credited with convincing the leadership to include protections for victims of domestic violence. Interviews suggested that fears of a gender gap among voters and a perceived need for Republicans to show sensitivity to women contributed to Molinari's success in convincing the GOP to add these provisions to the bill. Molinari's role in the party leadership afforded her the credibility to promote this provision.

Women legislators in the Senate and the House expended political capital to secure passage of health insurance reform. Crafted and guided to passage in the Senate through the consensus-building skills of Senator Kassebaum and sponsored and advanced in the House by Representatives Johnson, Roukema and Molinari, health insurance reform secured the widespread support that eluded health care reform. Much like the anti-stalking legislation, health insurance reform was advanced through the astute legislative maneuvers of individual congresswomen. Positional power, alliances with influential men within and across party lines, resourcefulness when legislative obstacles surfaced, and intensive behind-the-scenes work to build voting coalitions were the crucial tactics deployed by Republican congresswomen to achieve a major innovation in federal health insurance policy, an innovation that benefitted women workers, as well as their male counterparts.

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Reproductive Rights

Abortion is one of the most divisive issues on the contemporary political horizon. Citizens, like members of Congress, hold radically opposing views about the moral permissibility or impermissibility of abortion. From the time of its founding in 1977, the CCWI had achieved consensus in part by agreeing to omit abortion questions from the women's legislative agenda. In the 103rd Congress, the CCWI abandoned its neutral stance on abortion. With most of the women members calling themselves pro-choice for the first time, reproductive rights issues generally united women, even across party lines. And for the first time, pro-choice women in Congress attempted to advance pro-choice legislation as the best means to represent women's interests. During the 103rd Congress, women members played crucial roles in supporting the Freedom of Access to Clinic Entrances Bill (FACE) and the inclusion of abortion coverage under the Federal Employees Health Benefits Program (FEHBP). They also launched an unsuccessful bid to defeat the Hyde Amendment, which had banned Medicaid funding for abortions since 1976, and they pressed for passage of the Freedom of Choice Act, which failed to make it to the floor in either the House or the Senate. As one staffer observed:

They have become more of a bloc on anything having to do with reproductive health. That's the one issue you know you will get at least 40 or 45 [of the women to support] from both sides of the aisle. It's bipartisan. It's the unifying issue.

By the 104th Congress, however, with six of the seven newly elected Republican congresswomen taking a pro-life stance, divisions among women were increasingly evident. Although the Republican Party had officially adopted a pro-life platform, the congresswomen in that party were equally divided between the pro-choice and pro-life camps.

While the White House remained as firmly in support of reproductive rights in the 104th Congress as it had been in the 103rd, the shift in the composition of Congress led to a strikingly different record on these policies. The 104th Congress reversed some pro-choice victories of the 103rd, once again restricting abortion coverage under FEHBP. In addition, the 104th Congress almost succeeded in eliminating the federal funding for family planning programs that had long enjoyed bipartisan support; and it reframed the abortion debate around a specific and highly controversial procedure called "partial birth abortion" by pro-life forces.

Analyzing the dramatic changes in the sphere of reproductive rights legislation across the two Congresses, a number of factors were especially important including: the influence of the majority party and its leaders in framing the issues and controlling the debate; the involvement of key male colleagues working with women legislators; continuing bipartisan cooperation among women in key areas; and the new visibility of pro-life women within the Republican Party.

Party Control: What Is On the Table and How It Is Framed

The change in the political climate accompanying the change in party control from the 103rd to the 104th Congress was starkly evident in the battles over Medicaid funding for abortion services. In the 103rd, with a pro-choice President in the White House removing the veto threat that had hung over pro-choice legislation for a dozen years, and with a new cohort of women (who had run and won in part on this issue) infusing the Congress with fresh resolve, battle lines were drawn early over the Hyde Amendment to the Labor, Health and Human Services (LHSS) appropriations bills, which prevented expenditure of Medicaid funds for abortions except in cases of threat to the life of the woman. Pro-choice women in both chambers took the lead in battling this amendment, but it was primarily the women members on the LHSS subcommittees in each chamber who led the charge and strategized for the pro-choice side. Pro-choice forces tried to block the Hyde Amendment on procedural grounds, arguing that such substantive policymaking should not be passed as an item appended to an appropriations bill. Congressman Henry Hyde (R-IL) recognized that the change in the political environment created the possibility that his amendment, if unchanged, could go

down to defeat. Congresswomen Deborah Pryce (R-OH) and Tillie Fowler (R-FL) convinced Hyde to add to his amendment funding for abortions in cases of rape and incest.

Pro-choice women rejected this change as unacceptable and pressed their procedural objection. Floor debate in the House was unusually acrimonious, as Hyde attempted to deflect the trenchant criticisms advanced by Congresswoman Cardiss Collins (D-IL). Pro-life members rallied to Hyde's cause and the amendment passed in the House. A Senate motion to eliminate the Hyde Amendment from the appropriations bill also failed. Thus, despite the strong pro-choice commitments of women legislators across party lines, their first strategic effort to thwart the Hyde Amendment was defeated. The visible and embarrassing defeat of this procedural move made patently clear that consensus among women legislators could not be easily converted into law when women comprise such a small percentage of the House of Representatives.

In the 104th Congress, the pro-choice women found themselves in the unenviable position of having to fight to keep the version of the Hyde Amendment they had resisted in the 103rd Congress. In the new climate, an amendment with exclusions seemed preferable to an absolute bar to Medicaid funding for abortions.

Although congresswomen in the 103rd Congress suffered a major blow in their first effort to promote pro-choice legislation, they won a victory with the passage of the Freedom of Access to Clinic Entrances Bill (FACE), which made it a federal crime to obstruct access to abortion clinics or harass workers at these clinics. FACE was passed by substantial margins in both chambers in the 103rd Congress. That the bill made it to the floor, however, was chiefly the result of pressure by women members of the CCWI, especially Congresswomen Patricia Schroeder (D-CO), Jolene Unsoeld (D-WA), Barbara Kennelly (D-CT), and Louise Slaughter (D-NY), who used their official positions as committee members, whips, and members of the House Leadership to keep the bill moving. Congresswoman Kennelly used her role in the Democratic leadership to convince House leaders to move the legislation forward. Congresswoman Slaughter used her position as a member of the Rules Committee to persuade the Committee to schedule the bill for floor action prior to the end of the session. Democratic deputy whip Unsoeld used her position to line up votes to support the bill on the floor of the House. As the sole woman member of the House Judiciary Committee, Schroeder assumed responsibility to push the bill through conference committee, confident that President Clinton would sign the legislation once it had passed this last legislative hurdle. Commenting that "Women were absolutely critical on FACE," one House staff member noted:

All the women were going to [Judiciary Committee Chair] Jack Brooks (D-TX) and to [Crime and Criminal Justice Subcommittee Chair] Chuck Schumer (D-NY) and over to the Senate side as well, saying, "You must pass this. You must do it quickly. We cannot afford to wait recess after recess."There was just this dogged persistence on this issue. I think it was the women together as a force that really made the difference."

If the passage of FACE was emblematic of the power of pro-choice forces in the 103rd Congress, the progress of the "partial birth abortion" legislation beyond the proposal stage in the 104th Congress was further evidence of the difference the change in party control made. While pro-choice Republicans continued to serve in the Congress, the House leadership as well as the committee chairs who controlled the fate of this legislation were all longtime pro-life advocates. As one pro-life staffer explained:

...Democrats never would allow a bill like this to even be talked about. I mean, if you have Democrats running the committees and running the Congress,...a congressman can introduce it and talk about it in his district, but the country never talks about it because it never goes anywhere. And it's not until a bill starts moving through the legislative process that the press starts reporting on it, and that type of thing. So if Republicans had not gained control, then the partial-birth abortion ban certainly would never have passed, because it would never have been voted on.

A pro-choice lobbyist seconded that sentiment:

I think what you need to remember about this debate on this issue is that for the first time since *Roe v. Wade*, congressional actions were fought out in an environment where both the House and the Senate were controlled by people who were hostile to women's reproductive rights. Therefore, they controlled the forum and the terms of the debate, and they set the agenda. So that made it, and this is true of all the issues around reproductive health that we fought in the 104th Congress, that we were working in an environment that was totally different from any in which we had ever had to deal with these issues before.

Pro-life forces used their positional power not only to move the partial birth abortion legislation forward but to frame the debate on their own terms. Although many women perceive abortion as the key women's issue, abortion debates within the Congress have often been framed in very different terms. The success of the FACE legislation in the 103rd Congress, for example, had rested in part on the legislation being framed as a public safety issue rather than an abortion issue. FACE passed by a wide margin because it drew support from people who cared about protecting property rights and combating crime, as well as from abortion rights advocates.

Proponents of the Partial Birth Abortion Ban Act in the 104th Congress framed the legislation as a measure to protect the unborn from a heinous form of abuse. Knowing that legislation completely barring or even severely limiting abortion would never win enough support to override a certain presidential veto, pro-life forces chose to focus instead on one particular type of abortion, dilation and extraction. Their descriptions of this procedure, performed late in a pregnancy, were graphic and horrifying, aimed at jarring wavering members of Congress and of the public into opposition. During floor debate, pro-life women joined their pro-life male colleagues in featuring the fetus as the legislation's primary object of concern: 100% of the women and 87% of the men who spoke in support of the ban gave at least one speech that focused primarily on the fetus. Women were slightly more likely than men (57% vs. 48%) to focus on the graphic details of the procedure and much more likely (57% vs. 17%) to focus on fetal pain in making their case. The new Republican pro-life women contributed substantially to the floor debate. Although women constituted only 5% of those who voted for the partial birth abortion ban, they were 15% of the speakers for the ban on the House floor. Congresswoman Enid Waldholtz (R-UT) assumed a visible role in floor debates, capitalizing on her advanced stage of pregnancy to heighten the credibility of her pro-life message.

Pro-choice women mobilized early to combat the exclusive focus on the fetus. While the bill was under consideration in the House Judiciary Committee, Congresswomen Pat Schroeder (D-CO), Sheila Jackson Lee (D-TX) and Zoe Lofgren (D-CA) devised a strategy to expand the terms of debate. Using women's health as their primary framework, they emphasized that the proposed bill would jeopardize women's health and women's ability to bear future children. Although the multiple amendments that they proposed to provide exemptions for procedures performed to save the life and health of the woman failed 11-19 on straight party-line votes, they did succeed in ensuring that the committee would hear testimony from women who had had the procedure for health reasons. In contrast to pro-choice women legislators' focus on women, amendments offered by their pro-choice male colleagues tended to focus on protecting doctors who performed the procedure, defining the terms under which doctors could or could not be sued for doing so.

Interviews with a number of those involved on both sides, as well as analysis of floor statements, suggest that women members contributed a disproportionate share of the opposition to the Partial Birth Abortion Ban Act in both the House and the Senate, just as they had contributed a disproportionate share of the support for the Freedom of Access to Clinic Entrances Act. Although they constituted only 9% of the members of the House, women constituted 58% of those speaking against the bill in floor debate, emphasizing in their speeches the stories of women in tragic situations who resorted to the procedure under dire medical necessity. Pro-choice women's leadership in opposing this bill was both

a matter of women's strong feelings on the issue and men's reluctance to take the lead. As one staffer noted:

The men don't like to be involved in it, and... even the men who would be involved, they sort of feel like they should cede it over to the women. They feel like this is a woman's issue and so the women ought to be out front.

Despite the efforts of pro-choice forces, the Partial Birth Abortion Ban Act passed easily in the Senate (54-44) and overwhelmingly in the House (286-129). Congresswoman Zoe Lofgren (D-CA) worked intensively to connect the White House with women who had had the procedure to preserve their health and their ability to bear children. When President Clinton vetoed the bill, he was surrounded by women who claimed that their lives and health had been preserved by the procedure. Although pro-choice women legislators lost their battles in the House and Senate, their success in reframing the issue in terms of women's health afforded President Clinton a compelling reason to veto the controversial legislation — a veto that was sustained when the Senate failed to meet the two-thirds majority vote required to override it.

With women still a small minority of members of Congress, the role of their male colleagues is critical to the successful passage of any legislation. If male colleagues, particularly influential ones, are diametrically opposed to an agenda being supported by women, the women members, no matter how united, will have an enormously difficult time moving legislation. In the 104th Congress, the most influential men were unyielding opponents of the pro-choice position, and women — even Republican women who were moderate or clearly pro-choice — had little impact on their male colleagues with regard to this issue. Even those Republican women — some on each side of the issue — who cautioned party leaders against scheduling too many votes on reproductive rights issues were ignored.²⁹ In a number of cases in the 104th Congress, including the battles to maintain Title X family planning funding and support for international family planning programs, however, women's energetic efforts were complemented by the work of male colleagues, thereby securing important legislative victories.

Since 1970, Title X (of the Public Health Service Act) family planning funding had been maintained with bipartisan support, although not without opposition. The program was a priority for a substantial number of women on both sides of the aisle in Congress. In 1995, it faced its most serious threat because the new chair of the House Appropriations Committee, Congressman Robert Livingston (R-LA), was a staunch opponent of abortion and of family planning. Livingston offered an amendment to “zero out” the Title X budget of \$193.3 million and transfer the money to block grants. Livingston's amendment was unusual because it was offered over the opposition of the subcommittee chair with jurisdiction in this area, Congressman John Porter (R-IL), a strong supporter of family planning. As one staffer noted, “You don't have the chairman trying to cut...one of the subcommittee chairman's favorite programs if you're not serious about trying to get rid of that program.” Livingston's amendment ultimately succeeded in committee but was defeated on the floor of the House, in large measure because of bipartisan efforts led by women and a few key male supporters. Other weakening amendments, such as one that would have required parental consent for teens to obtain family planning services, were also beaten back.

For the women to win on this issue, it was invaluable to have a Republican man, Congressman James Greenwood (R-PA) leading the charge, reaching out to pro-life members who might be persuaded to support family planning as a way of lessening the demand for abortions. As one lobbyist explained;

I think Greenwood, at least in 1995, was a novelty. He hadn't stood up front on these issues before....He worked very hard behind the scenes. He nailed people in the stairwells,...there was no person he was not willing to approach and have

²⁹ In the 104th Congress, the House scheduled 59 votes on reproductive rights issues and the Senate scheduled 42 votes on reproductive rights issues. In comparison, there were only 28 votes on reproductive rights issues in the House and 15 in the Senate during the 103rd Congress.

a conversation on this....Greenwood really did the leg work on this issue....When it came to who was having the most member-to-member conversations, who was doing the arm-twisting, who was making the phone calls, that was really Greenwood.

Yet this was never a one-man show. Having the women members involved was important for Greenwood as well, since they had better connections with outside groups with whom he needed to work. Congresswoman Morella, for example, played a critical liaison role with the outside groups. Other Republican women, including Congresswomen Johnson and Molinari, spoke out in favor of the program. But equally important was the influence of Porter, who, as subcommittee chair, controlled the floor time for the bill and played a role in shaping the rules for the debate. Later, other moderate Republican men became involved, and their influence helped to sway more conservative members.

The bipartisan coalition of pro-choice men and women succeeded in restoring the \$193 million for family planning in a 224-204 floor vote. The combination of a supportive subcommittee chair, moderate Republican men and women willing to work behind the scenes to convince their colleagues to vote to restore funding, and heavy pressure brought to bear by the reproductive rights lobby narrowly secured passage of the Title X appropriation.

In the case of family planning funds, as in the case of the partial birth abortion ban, women legislators did not speak with one voice. Although pro-life women did not lead the charge against family planning programs, they did provide a visible presence, speaking and voting with their pro-life male colleagues. The diversity of views on reproductive rights within Congress and within the citizenry at large highlights the difficulty of providing substantive representation for women's "interests" when women disagree about what their interests are and how they ought to be promoted.

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Welfare Reform

Poverty in the United States is not a sex-neutral phenomenon. At the time that the welfare reform debate began in the 103rd Congress, two of every three poor adults in the U.S. were women, and the primary beneficiaries of the federal welfare program at issue in these debates, Aid to Families with Dependent Children (AFDC), were four million women and their ten million children. Despite the dramatic overrepresentation of women among the poor, the feminization of poverty³⁰ did not provide a common rallying point for women in the 103rd and 104th Congresses. On the contrary, profound ideological differences about the causes of and appropriate remedies for poverty existed among women within the Congress. Although liberal and conservative women participated actively in legislative debates over welfare reform, they did not speak with one voice on this issue, nor did they find means to build lasting alliances across party lines as welfare reform legislation moved from political rhetoric to public policy.

Framing the Issue in the 103rd Congress

Although President Clinton campaigned on the pledge “to end welfare as we know it,” welfare took a back seat to health care reform and trade legislation as the administration’s policy priorities in the 103rd Congress. As a preliminary step in 1993, the President appointed a multi-agency task force to hold hearings and develop a welfare reform strategy for the White House by the end of 1994. According to Ira Magaziner, President Clinton’s health care czar, the administration and the Democratic leadership in Congress believed that welfare reform depended upon the successful passage of health care reform:

Our welfare reform task force assumed health care reform as part of their welfare proposals, and we see a natural sequence where health care gets done and welfare reform gets done right on its heels. I believe the committee chairs involved in the committees that have jurisdiction over both will be supportive of that kind of sequencing.³¹

While no substantive welfare legislation was passed in the 103rd Congress, much of the groundwork for the ensuing debate in the 104th Congress was laid as the Democratic and Republican parties identified their priorities for welfare reform. While the President’s task force was meeting behind closed doors, House Republicans seized the opportunity to criticize the White House for failing to fulfill a campaign promise and appointed their own task force to hold hearings on welfare reform. Many of the issues targeted by the Republican task force became centerpieces of the welfare reform package passed in the 104th Congress: mandatory work requirements for welfare recipients, paternity disclosure for benefit eligibility, limits on the number of years of benefit eligibility, and denial of benefits to legal immigrants and undocumented workers.

Congresswoman Jan Meyers (R-KS) was one of the first to frame welfare reform in terms of “personal responsibility.” Early in 1993, Congresswoman Meyers drafted a proposal suggesting that the fundamental issue to be addressed was not poverty, but “the teenage pregnancy problem.” Designed to “ensure that the responsibility of having a child belongs to the mother and father, rather than to the mother and the U.S. taxpayer,” Meyer’s proposal recommended that federal AFDC expenditures be frozen at 1993 levels and converted into block grants to increase state flexibility in expenditure of funds; AFDC benefits be denied to mothers and fathers less than 18 years old; and paternity be

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30 The term, “feminization of poverty” was coined to describe the changing gender composition of the poor over the past 30 years. Between 1969 and 1979, for example, the number of male-headed households living in poverty declined from 3.2 million to 2.7 million, while the number of female-headed households living in poverty grew from 1.8 million to 2.6 million. See Steven Erie, Martin Rein, and Barbara Wiget, “Women and the Reagan Revolution: Thermidor for the Social Welfare Economy,” in Irene Diamond, ed, *Families, Politics, and Public Policy*. New York: Longman, 1983, pp. 94-119.

31 Interview with National Journal and Congress Daily, January 15, 1994.

established as a condition of AFDC eligibility.³² Congresswoman Meyers appealed to the House several times for cosponsors for her bill, but to no avail. The bill was referred to the House Committee on Ways and Means, where it died. Over the course of the 103rd Congress, five other welfare proposals were introduced in the House, where they met a similar fate.

On October 23, 1993, four Democratic members of the House, Patsy Mink (D-HI), Ed Pastor (D-AZ), Maxine Waters (D-CA) and Lynn Woolsey (D-CA), co-chaired a conference entitled, “Women and Welfare Reform: Women’s Opportunities and Women’s Welfare,” that was sponsored by the Institute for Women’s Policy Research in Washington, D.C. Organized to “break myths and create solutions,” the conference sought to provide a public forum for the discussion of current research and policy perspectives on progressive welfare reform. David Ellwood, assistant secretary in the U.S. Department of Health and Human Services and co-chair of the President’s task force on welfare reform, used the conference to air the elements that the administration had identified as essential to welfare reform. Among these, Ellwood included a living wage (i.e., efforts to ensure that full-time workers earn adequate wages to meet their basic financial obligations), adequate child care to meet the needs of working parents, and child-support enforcement. Other conference participants emphasized that progressive welfare reform must provide education and training opportunities for welfare recipients that would equip them with marketable skills.

The Congressional Caucus for Women’s Issues introduced child support enforcement legislation during the 103rd Congress, which was referred to committee, but never made it to the House floor. According to one staff member, there was strong bipartisan commitment among CCWI members to make child support enforcement part of any welfare reform. Congresswomen Nancy Johnson (R-CT), Barbara Kennelly (D-CT), Marge Roukema (R-NJ), Patricia Schroeder (D-CO), and Olympia Snowe (R-ME) were at the forefront of legislative efforts to ensure that welfare reform included child support enforcement.

On November 10, 1993, House Republicans unveiled the recommendations of their welfare reform task force. HR 3500 proposed stiff penalties for welfare recipients who refused to work within two years of receiving benefits, sanctioned welfare recipients who failed to establish the paternity of their children, combined ten food programs into one block grant, and denied benefits to non-citizens. Like Congresswoman Meyer’s legislative proposal, HR 3500 died in Committee in the 103rd Congress only to be resurrected in the 104th Congress.

During the spring of 1994, both the Human Resources Subcommittee of the House Government Operations Committee and the House Ways and Means Committee conducted hearings on existing welfare programs in order to assess the current level of service delivery and to diagnose problems that needed to be addressed. Later in the spring, the House scheduled a debate on welfare reform. The partisan arguments aired in the debate and the vitriolic tone of the exchange foreshadowed the welfare debates of the 104th Congress. Democrats argued for more and better paying jobs, improved day care provisions, and enhanced entitlements for the poor. Republicans argued that the primary problems to be addressed included welfare dependency, teenage pregnancy, and abuses of welfare.³³

President Clinton announced the recommendations of his task force on welfare reform in June 1994, leaving little time for legislative action prior to the summer recess and the fall election season. The overwhelming victory of the Republican party in the midterm election ensured that the Republican welfare reform agenda would gain ascendancy in the 104th Congress.

Welfare Legislation in the 104th Congress

As proposals to reform welfare moved through the first and second sessions of the 104th Congress, women legislators split within and across party lines over the causes of and remedies for poverty, as well as the nature and effects of the proposed legislation. Women

32 Congressional Record, March 10, 1993, p. H1084.

33 Congressional Record, May 4, 1994, p. H3042.

lawmakers also disagreed about political tactics, with some working mightily to moderate the harshest effects of the proposed legislation, while others maintained a staunch refusal to support the legislation in any form.

From the beginning of the 104th Congress, many Democratic women in the House positioned themselves against the terms of the reform being advanced by House Republicans. Many congresswomen of color were among the most outspoken in opposition to the Republican-sponsored legislation. Thirteen of the fourteen women of color in the 104th Congress were Democrats, and they were powerful spokeswomen against proposals to dismantle AFDC, create block grants for important social service programs, and cut services to legal immigrants. Congresswomen Eleanor Holmes Norton (D-DC), Maxine Waters (D-CA), Patsy Mink (D-HI), Sheila Jackson Lee (D-TX), Eva Clayton (D-NC), and Nydia Velazquez (D-NY) joined many other women in speaking out on the floor during the acrimonious debate on such provisions. According to one Democratic staffer, congresswomen of color “spoke disproportionate to their seniority” on welfare reform. None of the Democratic women of color voted for either version of welfare reform in the 104th Congress.

Democratic opponents of welfare reform took issue with Republican characterizations of the poor as well as with Republican policy prescriptions for welfare reform. While Republicans such as Congresswoman Barbara Vucanovich (R-NV) described the poor as “welfare addicts, who will do anything to stay on the public dole,”³⁴ some liberal Democrats described the plight of mothers who were struggling alone to meet the needs of their children with earnings from low-wage work and in the absence of court-ordered child-support payments. Indeed, Congresswoman Lynn Woolsey (D-CA) drew upon her own experience to humanize welfare recipients.

I have known for over 25 years how important child support is in preventing the need for welfare, because in 1968 I was a single working mother with three small children, ages 1, 3, and 5. Although I had a court order, I never received a penny in child support. In order to provide my children with the health care and child care they needed, I was forced to go on welfare to supplement my wages. Millions of families are forced to go on welfare for the same reason. In fact, 91% of first time welfare recipients cite the lack of financial support from a parent as the main reason they are on welfare.³⁵

While Republicans such as Congresswoman Helen Chenoweth (R-WY) characterized the welfare reform package as “tough love that will free people, free them to be all they can be in this great nation,”³⁶ Democrats such as Congresswoman Cynthia McKinney (D-GA) denounced the Republican plan as a “blitzkrieg against the poor.”³⁷

The intensity of the differences that surfaced among women members in floor debates highlights once again that women legislators work with markedly different images of the needs and interests of women constituents. In devising strategies to address varying conceptions of women’s needs and interests, personal experience, political ideology and partisan politics play formative roles.

The gulf between liberal women and conservative women that was aired in floor debates also permeated debates in committees. Despite such intense polarization in views of the proposed welfare reform, the status of Democratic members as the minority party profoundly limited the ability of Democratic women to influence the final legislation. Liberal Democrats lacked the votes to defeat the proposed bill and the credibility to sway conservative Republicans. Many liberal Democrats also lacked the motivation to try to improve a bill they considered fundamentally flawed.

34 Congressional Record, p. H-2587, March 3, 1995

35 Congressional Record, p. H-1031, February 1, 1995.

36 Congressional Record, p. H-3720, March 23, 1995.

37 Congressional Record, p. H-3741, March 24, 1995.

The overall impact of the involvement of women members seems to have been to temper or moderate some of the harsher effects of the proposed legislation and to expand the legislation to include provisions for child care, child support, and child protection.

As with other legislation, institutional factors largely determined which women were in positions to influence welfare reform legislation. In particular, the importance of party, seniority, and position combined to make the influence of moderate Republican women particularly strongly felt. In the highly partisan environment that characterized the 104th Congress, few Democrats were able to have much direct impact on welfare reform legislation, even though some of the Democratic women tried to do so. The conservative first-term women in the House had no institutional basis for exercising influence. They could do little more than speak on the floor during debate. The women who were best positioned to have an impact on welfare reform legislation were the more senior Republican women, most of whom were moderates. The overall impact of the involvement of women members seems to have been to temper or moderate some of the harsher effects of the proposed legislation and to expand the legislation to include provisions for child care, child support, and child protection.

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (HR 3734) dismantled the federal entitlement program known as Aid to Families with Dependent Children (AFDC) and replaced it with a block grant called Temporary Assistance for Needy Families (TANF). The final bill included a number of the original provisions advanced by Republicans as part of their Contract with America, as well as several moderating amendments hard won by women legislators in the House and Senate. In its original form, the Republican proposal included the establishment of block grants for cash benefits and child welfare programs, mandatory work requirements, funding for child care programs, reductions in Supplemental Security Insurance, a benefits cap to encourage limits on recipient's family size, time limits for benefits, limits in some social services to legal immigrants, and denial of welfare benefits to unwed, teenaged mothers. The bill that emerged from the conference committee included compromises on some key issues that appealed to moderate Republicans and Democrats: the family cap requirement was dropped; a comprehensive system for enforcing child support was adopted; funds for child care were increased and states were prohibited from penalizing single parents who proved they could not work because they could not find child care for children under the age of six; states were allowed to use federal funds to provide vouchers for children whose parents lost benefits; and the block grants for food stamps and child protection programs were eliminated. In addition, the final bill included some provisions that appealed to both conservative Democrats and Republicans. The final bill denied cash assistance and food stamps to convicted drug felons and allowed states to deny Medicaid coverage to those who were dropped from welfare rolls because they did not meet work requirements.

Women members of Congress clearly had their strongest impact in three areas in the welfare reform legislation considered by the 104th Congress: child care, child support, and child protection. Funding for child care was increased and child care programs were consolidated into a "seamless system" because of the efforts of women members such as Congresswoman Nancy Johnson (R-CT) and Senator Nancy Kassebaum (R-KS). Working behind the scenes, women members succeeded in including in the welfare reform legislation provisions establishing federal standards for licensing of child care programs, especially in the areas of health and safety, and creating federal guidelines for quality of care in programs supported by federal funds.

As a senior member of the House Ways and Means Committee, which had jurisdiction over most of the important provisions of the welfare reform bill, Johnson used her seniority to challenge Republican leadership to move on some key provisions, including child care and child support enforcement. The proposal to increase child care funding was contentious among Republicans. While the Republican women pushed for adding more money to the Child Care Development Block Grant to fund women on welfare as well as those leaving the welfare rolls, some Republican men argued that the drop in the numbers of people on welfare meant that states would have "free money" to divert to this purpose. Johnson insisted: "If we are going to get people into the work force, and have someone else take care of their children, we absolutely have to have it [increased funding for child care]."

To persuade her Republican colleagues, Johnson warned that failure to support increased funding could make it appear that the Republican party “did not care about children.”

Johnson framed child care and child support enforcement as an effort to promote the independence of poor women. And to “leverage independence,” she argued that welfare reform should take on “dead beat dads.” According to Republican staff, she challenged her male counterparts to be as tough on fathers who failed to meet their financial responsibilities to their children as they were being on mothers who received welfare. By all accounts, her arguments held sway. In the words of one Republican staffer:

Republicans were very reluctant to accept a lot of things that Nancy [Johnson] ...was pushing...They were very reluctant. Then it's almost like they heard the drum roll from outside [and realized] they could potentially be perceived to be anti-child support and anti-family. So they had this one incredible meeting...only Republican members. And Nancy came out of there winning ten of the twelve things that she wanted...something really phenomenal.

Congresswoman Jennifer Dunn (R-WA), a second term member who also served on the Ways and Means Committee, joined Johnson in the effort to increase support for child care and child support enforcement. Dunn drew upon her experience as a single mother to educate Republican men on child care and child support. As she explained:

I have been a single mother for 20 years, since my kids were six and eight. So there are issues I understand and can interpret for my male colleagues. I have become a resource they turn to on certain votes.

In floor debate Dunn also demonstrated her commitment to increasing funding for child care. With Johnson and two other Republican women, Dunn co-sponsored the amendment for additional child care funding. Arguing that such funds were essential if women were to return to work, Dunn again grounded her claim in her own experience. “Mr. Speaker, as a single mother who raised two sons, I know how difficult it is for women to go back to work.”

As Chair of the Senate Labor and Human Resources Committee, which had jurisdiction over parts of the welfare reform legislation, and as the only woman senator on the conference committee that reconciled House and Senate versions of the welfare reform legislation, Kassebaum made crucial contributions to welfare reform, especially in two areas about which she cared deeply – child care and child protection. Under Kassebaum’s leadership, the Labor and Human Resources Committee unanimously approved a bill to reauthorize the Child Care and Development Block Grant of 1990, which preserved most of the federal health and safety requirements for licensing day care facilities, and consolidated three child care programs into one block grant. According to Kassebaum, “The primary goal of this bill is to ensure that there is a seamless system of child care where it counts – at the point where the parent, child, and provider meet.”³⁸ During the floor debate on welfare reform in the Senate, Kassebaum introduced this bill as an amendment to the Personal Responsibility and Work Opportunity Reconciliation Act, and it was approved by a wide margin. As a result of Kassebaum’s effort, all federal child care programs operated according to the same guidelines, thereby facilitating uninterrupted provision of child care services for children as their mothers changed status from welfare recipients to workers.

Kassebaum also cared passionately about the preservation of child protection programs and used her considerable influence to safeguard these programs. The House version of welfare reform legislation would have altered the funding for foster care, adoption assistance, and child abuse prevention and treatment. It would have replaced direct federal assistance for such programs with block grants without restrictions on how the money must be spent. Kassebaum used her position on the conference committee to block the House provision. As a result, the Personal Responsibility and Work Opportunity Reconciliation Act that became law made only modest changes to child protection programs, for the most part retaining their existing structure and funding.

38 Congressional Quarterly, May 27, 1995, p. 1507.

In a climate of heightened partisanship and strong ideological divisions, it is difficult to find commonality or forge agreement on women's needs and interests.

Kassebaum's work on the conference committee was reinforced by a joint effort of women in the House and the Senate. Organized by the Congressional Caucus for Women's Issues under the leadership of Congresswoman Connie Morella (R-MD), a bipartisan group of 26 women members from both chambers sent a letter to the conference committee. Framing welfare as a "women's issue," the women members claimed a "particular interest" in the issues before the conferees. They went on record in support of access to affordable, high quality child care, the protection of nutritional programs, an entitlement to child welfare, continued assistance to minor parents, and making the family cap an option, rather than a requirement, for states. They expressed opposition to converting entitlement money for child care, nutritional programs, and child welfare into block grants. In addition, they urged adoption of the family violence exemption included in the Senate version of the bill.³⁹ According to a member of the House staff who closely followed the work of the conference committee, the letter seemed to have some effect: "Quite frankly, many of the things that the Women's Caucus and the women senators pressed in their letter...were adopted."

Women members of Congress could not and did not influence all aspects of welfare reform, and they did not determine or fundamentally alter the predominant tone or intent of the legislation that was passed. Nevertheless, the provisions of the legislation which women did influence in the areas of child care, child support enforcement, and child protection were important ones. Moreover, provisions in at least two of these three areas – child care and child support enforcement – were central to the overall welfare reform package. Thus the presence and efforts of women in Congress clearly made an appreciable difference in welfare reform legislation in the sense that the lives of women and children who are affected by welfare reform legislation are better than they otherwise would have been because of the efforts of women members of Congress.

The dissension among congresswomen over welfare reform holds another lesson as well. In a climate of heightened partisanship and strong ideological divisions, it is difficult to find commonality or forge agreement on women's needs and interests. The absence of agreement in this case helps to illuminate the political work that is required to create consensus about a women's policy agenda. While political rhetoric appealing to women's "natural" interests often accompanies successful consensus-building endeavors within the legislature, making them seem almost inevitable, the intense discord over welfare reform demonstrates how many barriers lie in the path of consensus-building efforts. Deep ideological divisions reinforced in a climate of heightened partisanship precluded any agreement about women's needs and interests in the welfare reform debates. Comparable differences are overcome in each successful effort by women legislators to promote a women's policy agenda.

³⁹ Congressional Caucus for Women's Issues, October 11, 1995.

Conclusion

Legislating By Women

Women legislators in the 103rd and 104th Congresses, like their male counterparts, confronted diverse challenges, including constituency work, drafting legislation, committee work, floor debate, and negotiating the complex and often competing demands of citizens, lobbyists, government agencies, and political parties as they worked to pass legislation. Beyond the challenges that all lawmakers face, women legislators report that they have committed themselves to an additional task. They have assumed a “special obligation” to represent a national constituency: women, who constitute the majority of citizens and the majority of voters in the United States. In assuming this additional responsibility, women legislators defined the task in a variety of ways. Procedurally, they represented women symbolically simply by being present in the policy-making process, by visibly standing in for the underrepresented majority. Substantively, many women legislators worked to ensure that all legislation guaranteed women equal opportunity and equal access. They gave voice to a range of issues that they perceived to be of particular concern to women, and some attempted to redefine certain “women’s issues” in ways that demonstrated their impact on families, the economy, and society at large. Some aired women’s perspectives on issues traditionally considered the terrain of men, seeking to prove that all issues are women’s issues. Some actively investigated the gender-specific impact of proposed legislation and some worked to ensure a gender-equitable distribution of all public resources.

Congresswomen also looked for common ground to work with other women within and across party lines to advance a women’s agenda. Given the diversity of women in the U.S. and their competing and conflicting needs and interests, no common ground is naturally occurring. Any consensus about legislative priorities for women is a substantial political achievement, the product of arduous effort on the part of women in Congress and in the women’s lobby. Too often discussions about representing women fail to recognize this critical work. The case studies included in this report go some way toward making visible the intensive labor involved in every effort to legislate for women. The studies also make clear that women legislators undertake this coalition building at considerable political cost. Working across party lines can place congresswomen at odds with their party and their party leadership—a position that can have dire political consequences for the careers of women in elective office. Being too outspoken on behalf of women can also have deleterious effects. Some women legislators report that their credibility within Congress and their efficacy across a range of legislative issues can be seriously impaired if their male colleagues perceive them as too closely identified with women’s issues. That the efficacy of women legislators across issue areas may be impaired because they have the courage to act for an underrepresented majority suggests that in elective office, as in many other professions, women face obstacles that do not confront men in fulfilling their responsibilities. That women do more than equal work within legislative bodies but not on equal terms suggests that women legislators face a form of sex bias that has not yet been sufficiently investigated — either in terms of its import for individual women’s careers or for an understanding of the gendered nature of political institutions.

Legislating For Women

If understanding the significance of legislating by women presents unique challenges, so too does legislating for women. Discussions of representation of women’s interests often suggest that women possess a clearly defined set of interests that can be represented if legislators possess the will to do so. If the difficult work of agenda setting, issue framing, and consensus building on behalf of women is to be accorded its true value, the complexity of this undertaking needs to be explored in depth. The case studies included in this report illuminate the manifold obstacles to representing women’s interests. Women legislators do not and cannot represent all women because all women do not share the same experiences or understand their needs and interests in the same way. In standing for women, women

[In] the 103rd and 104th Congresses... [w]omen legislators were able to garner the greatest support in their efforts to address violence against women and women's health.

legislators draw upon their own limited experiences and their deeply held convictions about women's needs. Their policy stances are structured by political climate, partisan politics, constituency pressure, lobbyists, and input from key staff. Their ability to translate their policy stances into legislation is profoundly influenced by their positional power within their party and within the Congress, their talent in securing the support of other legislators, both women and men, and the pressing demands upon their time in any congressional session. As a small minority (13%) within Congress, women legislators face sizable obstacles in their efforts to construct and promote women's interests. Their efforts can be derailed by failure to secure other legislators' assent to their conception of women's most pressing needs or to their policy prescriptions to remedy those needs. Widespread consensus achieved among women legislators can be thwarted by a changing political climate, party leadership unsympathetic to women's issues, or strategically placed committee and subcommittee chairs with other priorities and concerns. Hard-won victories may prove remarkably short-lived when subsequent Congresses act to rescind legislation or fail to authorize and appropriate funds necessary to keep programs alive.

Given the number and significance of such obstacles, the legislative accomplishments of women legislators on behalf of a women's policy agenda should be recognized as major political feats. That women lawmakers continue to devote substantial time and energy to the arduous process of building support for a women's agenda is a testament to their courage and persistence.

An understanding of the complexity and the formidable forces constraining that effort is also helpful in assessing women's impact within the 103rd and 104th Congresses, as well as the factors that seem to circumscribe their impact. Women legislators were able to garner the greatest support in their efforts to address violence against women and women's health. The success of the women's movement over the past 30 years in documenting the pervasiveness of violence against women has sensitized legislators and constituents to this issue, helping legislators to build voting coalitions to support legislation to address this problem. By construing WHEA as an equity issue and subsuming women's health issues under the rubric of equitable distribution of tax dollars, women legislators could appeal to their male colleagues on the grounds of fairness and anti-discrimination—principles well entrenched in law and policy.

In contrast to legislation framed in terms of established legal principles and policy precedents, proposals that challenged the status quo did not fare as well. The proposed health care reform broached issues of class inequality, promising to provide subsidies for those unable to afford health insurance, while simultaneously attempting to alter the government's relation to the provision of health care in this country. Women legislators, like their male counterparts, found themselves divided by political ideology as well as partisan politics — a gulf that could not be bridged by appeals to the benefits that women would reap from increased access to health care. Women legislators found themselves even more intensely divided over welfare reform, where issues of race and class combined with differences in political ideology and partisan politics to entrench a policy of non-cooperation on the part of a sizable number of Democratic women.

The difficulties of representing diverse constituencies who possess competing and sometimes antagonistic interests have been given short shrift within U.S. politics. When women legislators commit themselves to representing women as a national constituency, they pledge themselves to the arduous effort of forging commonality. Within the legislative process, they try to move beyond articulating the diverse and conflicting needs of women to framing issues in ways that can win the assent of men and women legislators within and across party lines. Undertaking this work may not guarantee that all women's interests are adequately represented in a particular bill, nor can it ensure the success of any particular piece of legislation. But in committing themselves to represent an underrepresented majority, women legislators are engaged in a different kind of politics than has been previously undertaken. Struggling to forge a women's agenda and build the coalitions necessary to secure passage of proposed legislation, women legislators strive to realize a

new form of gender-sensitive democracy. While women's impact on the content of legislation, the legislative process, and the institutions of governance may be measured in many different ways, their efforts to fulfill the promise of inclusive democracy is a form of impact that richly deserves recognition and further exploration.