

MEMORANDUM

National Organization for Women

Government Relations

To: National NOW Board members

From: Jan Erickson, Director, Government Relations

Date: December 5, 2022

The Big News – Speaker Pelosi Announce her Plans

As many observers assumed she would, House Speaker Nancy announced on Nov. 17 that she would not seek leadership of the House Democratic Caucus. Pelosi, 82, has been a member of Congress since 1987 and has served as leader of the Democratic caucus for 20 years. She was speaker from 2007 to 2011 and again from 2019 to 2022. The speaker won her 19th election to the House in early November.

The speech announcing her decision was warmly responded to by Democratic members in the chamber – some shedding tears -- while few Republicans attended this momentous occasion. Conservative Republicans often have vilified Pelosi, exposing the misogynist streak in their party.

Pelosi is regarded as one of the most powerful lawmakers of this era – or perhaps of all time. Her political acumen, her ability to keep a diverse caucus together, and her storied fund-raising skills formed the basis of her remarkable successes. Colleagues credit her fabulous memory that recalls remembers who voted with her and those who did not. She knows how to cajole or reward members to bring them along. Pelosi was always able to move measures to the floor that were assured of passage. Her main accomplishments include passage of the **Affordable Care Act** – against stiff opposition from the Republicans and Blue Dog democrats. She pulled together support for an **economic stimulus package**, during the Great Recession of 2007-2009, the **Dodd-Frank Wall Street regulations** to prevent future financial meltdowns. Pelosi also led the two efforts to **impeach Donald Trump and** assured that the January 6 committee had the resources to

fully investigate what happened with the attacks urged on by President Trump. Speaker Pelosi demonstrated strong leadership when the Capitol was under siege by the rioters and has addressed what is needed to better protect the Capitol and members of Congress.

She has often stood up to Donald Trump, at least once walking out of a meeting when the president was not responding adequately to concerns expressed by others.

After the Speaker's husband, Paul, was brutally attacked a few weeks ago in their San Francisco home, and with Democrats losing control of the House, it seemed likely that the speaker would step down. Mr. Pelosi, 82, who suffered a skull fracture and serious injuries to an arm and hand, is on the mend and attended a Kennedy Center event on Dec. 4.

Speaker Pelosi has been an inspiration to many women; she has opened doors for up-and-coming women and people of color candidates and elected officials. Even though Rep. Pelosi will just be a "regular" member of the House, her experience and talents will likely be generously shared.

NOW appreciated Speaker Pelosi's presentation for our 2021 virtual national conference, facilitated by her political strategist daughter Christine Pelosi, as well as the many occasions when the speaker invited women's organization leaders to special events in the Capitol.

117th Congress Coming to an End

In the final few weeks of the current Congress, members are working overtime to pass as many major pieces of their priority legislation as they can. With the knowledge that when Republicans take over control of the U.S. House of Representatives in January for the **118th Congress**, that very little of the legislation that Democrats want to promote will get considered. The pressure is on to finalize and pass as many of the Democrats' remaining priority measures before the clock runs out on their targeted end date of Dec. 16th. Among the top pieces of legislation is the giant National Defense Authorization Act of 2023 (H.R. 7900) which allocates \$847 billion to U.S. military operations around the world and is due for a final vote the week of December 12.

Additionally, the **Electoral Count Act** must be adopted before this Congress concludes. There are a number of bills that would reform the process to assure that no breakdown occurs in the process of tabulating votes submitted by duly appointed electors in determining the winner of a presidential election.

Legislation, sponsored by Rep. Josh Gottheimer (D-NY), **the Electoral Count Reform and Presidential Transition Improvement Act** (H.R. 8824/H.R. 8846, with Sen. Susan Collins (R-ME), S. 4573 may be a vehicle for addressing this critically important need.

Respect for Marriage Act Signed into Law

Much to relief of many, the **Respect for Marriage Act** (H.R. 8404) which had passed the House with bipartisan support (267-157) in July, was adopted in the Senate on Nov. 30 and sent to the President for his signature. Here's the president's statement at signing this important bill, [Statement from President Joe Biden on Bipartisan Senate Passage of the Respect for Marriage Act | The White House](#)

Twelve Republican senators voted with the Democrats, 61-36. This legislation would assure that couples' same-sex marriages affirmed in other states will be honored in those states which do not permit same sex marriage should they move to a restrictive state. Specifically, the act would authorize the federal government to bring a civil lawsuit against anyone who violates the statutory rights of gay, lesbian or interracial couples. Additionally, this legislation would guarantee federal rights, benefits and obligations of marriages in the federal code, repeal the discriminatory Defense of Marriage Act (DOMA) and affirm that public acts, records and proceedings should be recognized by all states.

A concern about the fate of same sex marriages was raised when **Supreme Court Justice Clarence Thomas** indicated following the Court's ruling in ***Dobbs v. Jackson Women's Health Organization*** overturning ***Roe v. Wade*** that other **substantive due process rights** like same sex marriage and access to contraception should be reviewed. Oddly, Justice Thomas did not mention interracial marriage.

States DV Shelters and Programs Awaiting Funds

Also at the top of the Democrats' list is passage of **omnibus spending bill**. That package of legislation could **include FY 23 funding for the Family Violence Prevention and Services Improvement Act, H.R. 2119/S. 1275 (FVPSA)**. This bill

funds hundreds of local shelter and aid programs across the states. Though the bill has passed the House and was reported favorably out of the Senate HELP Committee, there is a question as to whether it will get a floor vote or just be wrapped into the larger spending package. Activists should, nonetheless, call their senators to tell them that the Family Violence Prevention and Services Improvement Act is a must-pass measure. Capitol Switchboard is 202-224-3121 or send a message via their official websites.

Still Hoping for the Equal Rights Amendment

An ongoing effort to pressure the Senate to approve **Senate Joint Resolution 1** is proceeding. This joint resolution, sponsored Maryland Senator Ben Cardin (D) with 51 cosponsors, eliminates the deadline for the ratification of the **Equal Rights Amendment (ERA)**, which prohibits discrimination based on sex. The deadline appears in the preamble of the ERA, which originally passed out of Congress on March 22, 1972, and was sent to the states for ratification. The deadline specified seven years for ratification, but as that deadline neared and only 35 of the necessary 38 states had ratified, an extension of three years was passed by Congress. It wasn't until January 15, 2020 when the Virginia legislature ratified the ERA, joining Nevada and Illinois who recently had voted to ratify that the needed three-fourths of the states was achieved. SJR 1 states that the amendment shall be a part of the Constitution whenever ratified by three-fourths of the states. The House passed their version of the joint resolution earlier in the 117th Congress.

Advocates for the ERA are strongly encouraged to call their senators and urge that a vote be taken before the end of this Congress. It is very unlikely that this bill will be considered in a Republican-controlled House in the next Congress.

On January 15, advocates held a press conference and rally to celebrate what they believe to be a fully enacted ERA since the Virginia legislation specifies a date of effectiveness two years following the date of enactment. A lawsuit brought by the attorneys general of Illinois and Nevada to force the **Archivist of the United States** is before the **U.S. Court of Appeals for the D.C. Circuit**. In late September, the states argued before a three-judge panel that the preamble to the amendment was unenforceable, and that the deadline was an unconstitutional encroachment on state power. One judge commented that the states'

interpretation “seems to take us way down a slippery slope in terms of undermining Congress’s ability to propose amendments to the Constitution.” Overall, it was somewhat difficult to tell which way the judges were headed in this case. A ruling by this appeals court is expected perhaps early next year.

Pregnant Workers Legislation Must be Passed

Other must-pass bills include the **Pregnant Workers Fairness Act**, (H.R. 1065) sponsored by Rep. Jerrold Nadler (D-NY) with 228 cosponsors, and S. 1486, sponsored by Sen. Bob Casey (D- PA), with 13 cosponsors, that would clarify arrangements for pregnant workers who request a modification of their job duties as per their doctors’ recommendation. This bill would prohibit employment practices that discriminate against pregnant persons and urges reasonable accommodations for employees affected by pregnancy, childbirth or a related condition. The employee must be able to perform the essential functions of the position, with certain exceptions. This legislation has been languishing for the last ten years and needs to be adopted; reportedly, there are 60 votes in the Senate to get it passed. Please call your senators and ask them to pass the Pregnant Workers Fairness Act before the end of the session. The Capitol Switchboard is 202-224-3121.

NOW President Christian F. Nunes spoke at a recent press conference on Capitol Hill in favor of a speedy passage of the Pregnant Workers Fairness Act.

Other Legislative Measures Pending

Advocates are also pressing for the expanded, refundable **Child Tax Credit** adopted during the pandemic which greatly decreased child poverty but was not funded after one year. Also, activists for expanding **childcare and early learning programs** are circling back to urge more spending to better address the continuing childcare crisis that was exacerbated by the pandemic.

Another very important package of bills that has thus far failed to be adopted by this Congress is the **Black Maternal Health Momnibus Act**, a package of about a dozen critically important pieces of legislation that address health care delivery improvements, expansion of coverage to 24 months for the Special Supplemental Nutrition program for Women, Infants, and Children, directs agencies to expand the maternal health workforce, increases research and data collection on

maternal morbidity and mortality, addresses climate change impacts on maternal health outcomes, establishes additional grant programs and authorizes many other important initiatives to improve maternal health outcomes among racial and ethnic minority groups, veterans and other vulnerable populations. The legislation is sponsored by **Rep. Lauren Underwood** (D-IL), H.R. 959 with 187 cosponsors and **Sen. Cory Booker** (D-NJ) (S. 346) with 31 cosponsors.

But the good news is that the **Biden Administration** is launching a series of initiatives that would carry out some of the Black Maternal Health Omnibus Act's proposed programs. Promising that the U.S. will be the nation with the best outcomes for mothers and their babies, the **Blueprint for Addressing the Maternal Health Crisis** calls on Congress to improve and expand Medicaid. Other initiatives include increasing access to and coverage of high-quality maternal health services; extend postpartum coverage; make investments in rural maternal care; provide for a maternal mental health hotline; develop better trained providers; establish a new "Birthing Friendly" hospital initiative and many other important advances. For more information see, [FACT SHEET: President Biden's and Vice President Harris's Maternal Health Blueprint Delivers for Women, Mothers, and Families | The White House](#)

Still Waiting for Pay Equity

Not surprisingly, the **Paycheck Fairness Act** (H.R. 1065, sponsored by Rep. Rosa Delauro (D-CT) and S. 205 by Sen. Patty Murray (D-WA)) may again NOT be passed by Congress. First introduced in the mid-1990s, the Paycheck Fairness act has often been approved by one legislative body or the other – but never in a single Congress has it been fully adopted. It is a shame as the legislation has real teeth and could go a long ways in narrowing the gender/race wage gap. An encouraging trend, though, is that many states have been passing pay equity legislation in recent years.

Social Security and Medicare Threatened by Republicans

In addition to the all-important omnibus spending legislation, the Democrats are anxious to pass legislation to **raise the debt ceiling** – but this may not happen until next Congress. This is always a controversial action as Republicans try to use their opposition as leverage on other matters. Failure to raise the debt ceiling may mean that there will not be enough funding to pay for **Social Security** and

Medicare benefits in the near future, not to mention the devastating impact on many other critical federal programs. Republicans have been trying since 1935 when the **Social Security Act** was first enacted to eliminate or privatize this vital social insurance program that has dramatically cut poverty among seniors and provides a modest source of income for persons with disabilities and for families with dependent children who have lost a working parent. Recently, some Republicans have begun talking about their desire to end Social Security. According to the Strengthen Social Security Coalition is their plan:

The Republican Study Committee, a group that counts about 75 percent of House Republicans as members, released a detailed plan to cut Social Security in multiple ways: Raising the retirement age to 70 (a 21 percent benefit cut), slashing middle class benefits, and handing billions of dollars of Social Security's revenue over to Wall Street and private insurance corporations.

NOW has worked for many decades to improve Social Security for women, long-term low-income workers and persons with disabilities. We were instrumental with the **Strengthen Social Security Coalition** in beating back the **George W. Bush** administration efforts to privatize Social Security. We support legislation that would assure the long-term financial solvency of the Social Security Trust Fund and increase benefits across the board for retirees and other beneficiaries. The preferred legislation is the **Social Security 2100: A Sacred Trust**, sponsored by Rep. John Larsen (D-CT), H.R. 5723, with 202 cosponsors, and Sen. Richard Blumenthal (D-CT), S. 3071, with 31 cosponsors. This legislation won't be taken up in the Republican-controlled House, but perhaps the Democratic-controlled Senate can hold hearings. The important thing, though, is to make sure that Republicans are not successful passing legislation that would seriously weaken Social Security or convert to it private savings accounts subject to the ups and downs of the stock market.

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