

MEMEMORANDUM
NATIONAL ORGANIZATION FOR WOMEN

To: National Organization for Women Foundation

From: Jan Erickson, Director, Government Relations

Date: March 4, 2024

GENERAL

Appropriations vs. Government Shutdown

Late last week the House of Representatives agreed to a FY24 appropriations “minibus” which includes funding levels negotiated with the Senate. The minibus totals \$460 billion that would fund six agencies through the remainder of the fiscal year. It needs to be passed this week in order to avert a threatened government shutdown on March 8th when the Continuing Resolution (CR) expires. The minibus is a package continues funding for Commerce, Justice and Science (CJS); a second package will contain funding for departments of Transportation, Veterans Affairs, Energy, Agriculture, Interior, Housing and Urban Development, Environmental Protection Agency and the Food and Drug Administration at \$704 billion.

The stopgap measure kicks the can down the road to the next shutdown deadline of March 22nd when the additional departments must be funded. The House and Senate had agreed previously to spend about \$1.7 trillion in discretionary funds in the appropriations legislation. Congress must pass all 12 appropriations measures by April 30 to avoid one percent across-the-board cuts. **House Speaker Mike Johnson** (R-AL) has to overcome extremist, anti-government House members who want deep cuts in human needs programs and are unhappy about losses of their ideological riders like restrictions on abortion, LGBTQ+ rights and diversity policy. It will take most Democrats votes as well as a small number of moderate Republican votes in the closely split House to pass spending bills.

While not all details about the appropriations bills have not yet been made available, we do know that the Democrats’ insistence that there be no cuts to the **Women, Infants and Children** (WIC) food assistance program was successful. There is a \$1 billion increase in WIC funding, however, advocates say that there will still be an unmet need. Hopefully, we will learn more about which women’s community priority programs were spared the deep cuts that conservatives in the House want. We will report on how women’s priority programs fared in when the information becomes available.

Dramatic threats to shut down the government have become a common procedure when Republicans capture one or both houses of Congress. The tactic has paid off for them in that the desperation by Democrats, moderate Republicans and stakeholders to keep the government operating forces them to agree to cuts in valued human needs programs. It is low income families, children, battered women, communities impacted by poverty and important programs such as education, health care, and environmental protection who continue to lose out. In the meantime, the wealth gap continues to grow. The latest look at the economic status

of Americans finds that only a third of the population can now be considered part of the middle class, [How Americans define the middle-class and why they can't reach it - The Washington Post](#)

REPRODUCTIVE RIGHTS

Senate Democrats Push Legislation to Protect IVF Access

Senate Democratic Majority Leader **Sen. Chuck Schumer** (D-NY) wasted no time in pushing back on the Alabama Supreme Court ruling which declared the frozen human embryos are children. After returning from recess on February 27th, Sen. Schumer took the floor to make it clear that Democrats will fight this extremist ruling that would make any destruction of embryos attained the In Vitro Fertilization (IVF) tantamount to murder. The decision in *LePage v. Center for Reproductive Medicine, Mobile Infirmary Clinic, Inc.* held that frozen embryos should be considered as unborn children, allowing for in vitro fertilization (IVF) clinics to be held liable for the accidental loss of embryos under Alabama's Wrongful Death of a Minor law.

Alabama Supreme Court Justice Tom Parker several times in his opinion cited America as a Christian nation and that this was "God's law" that his Court was defending.

Blowback was swift from prospective parents concerned about the impact the decision would have on their families. Alabama legislators filed legislation to protect IVF clinics which temporarily ceased operations.

In Washington, **Sen. Tammy Duckworth** (D-IL) put forth her bill to federally protect in vitro fertilization and other fertility treatments, asking for unanimous consent for passage. Sen. Duckworth, herself, used IVF to become a mother of two daughters. Sen. Duckworth originally introduced the legislation in 2022 and had reintroduced it in January with House member, **Rep. Susan Wild** (D-PA). The bill would override any state policy restricting access.

Sen. Patty Murray (D-WA), a leading co-sponsor, pushed for unanimous consent to pass the bill, even though just one senator could block it. Should anyone object, Sen. Murray said that a roll call vote could be scheduled. Sure enough, the next day, Republican **Sen. Cindy Hyde-Smith** (R-MS) objected and the Democrats' effort was scuttled. Hyde-Smith had also objected to this legislation, then entitled to Access to Family Building Act, in 2022.

What may lie ahead for Senate Republicans is the roll call vote during the general election season when voters may be looking at key votes. The outcry from all sides after the Alabama Supreme Court ruling shows that support for IVF is strong even among some so-called "pro-life" advocates. The Catholic Church declared its opposition to IVF access protection. For years, Republicans have introduced multiple bills which declare that embryos have legal personhood rights.

Polling shows that the Democrats may have the political advantage this election season, primarily due to reactions against the U.S. Supreme Court's 2022 ruling in *Dobbs v. Jackson Women's Health Organization* overturning *Roe v. Wade*. The IVF ruling could strengthen the electoral advantage of Democrats even further.

The Alabama case and the role of that the Christian Legal Movement is playing in advancing extremist anti-reproductive rights legislation is an area that deserves more attention. Here are some resources for further information:

[An Alabama Supreme Court ruling may have wider implications for people seeking IVF : NPR](#)

[Explainer: Making Sense of Alabama's Supreme Court Ruling on IVF - JURIST - Features - Legal News & Commentary](#)

[LePage v. Center for Reproductive Medicine - Wikipedia](#)

<https://statecourtreport.org/our-work/analysis-opinion/alabama-ivf-ruling-puts-spotlight-fetal-personhood-rights>

Senate Hearing Documents Economic Impacts of Abortion Restrictions

The U.S. Senate Committee on the Budget held a hearing on February 28th which heard testimony detailing the harms that restrictions on access to abortion and other reproductive health services have on the economic well-being of women and their families. Sen. Sheldon Whitehouse (D-RI) chairs the committee.

The hearing, entitled, **No Rights to Speak of: The Economic Harms of Restrictive Reproductive Freedom**, heard from expert witnesses for the Democrats who presented strong evidence of the harms. You can view the hearing via C-SPAN, [Hearing on Abortion Access and Economic Costs | C-SPAN.org](#) and read the testimonies at [Hearing | Hearings | U.S. Senate Committee On The Budget](#).

Documentation provided by the Democrats' witness should be useful for activists testifying in state legislatures and other forums about why they should oppose abortion bans and other restrictions.