



EDWARD M. KENNEDY ORAL HISTORY PROJECT

Interviewer's Briefing Materials **Barbara Mikulski Interview, 09/26/2006**

Robert A. Martin, Research Director

Miller Center Documents¹

- Barbara Mikulski Timeline.
- EMK and Issues of Special Concern to Women Overview Memo.

Secondary Source Materials

- Barbara Mikulski bio, <http://bioguide.congress.gov>.
- "Background on Poverty Program," *1965 CQ Almanac*, p. 410.
- "First General School Aid Bill Enacted," *1965 CQ Almanac*, pp. 275-293.
- "Teacher Corps Extended for Three Years," *1967 CQ Almanac*, pp. 416-422.
- "Scholarships Featured in College Aid Bill," *1965 CQ Almanac*, pp. 294-305.
- "Indian Education," *1971 CQ Almanac*, pp. 622-623.

Other

- "Education Overview for Oral History," 11/09/2005.

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BARBARA A. MIKULSKI TIMELINE

Prepared by Mark D. Nevin

Miller Center, University of Virginia, 09/05/2006

- 1936** Barbara A. Mikulski is born in Baltimore, Maryland. (*Biographical Directory of the U.S. Congress*)
- 1958** Mikulski graduates from Mount Saint Agnes College. (*Biographical Directory of the U.S. Congress*)
- 1965** Mikulski receives a graduate degree from the University of Maryland School of Social Work. She begins work as a social worker in Baltimore. (*Biographical Directory of the U.S. Congress*)
- Mikulski meets Senator Edward M. Kennedy (EMK) while testifying before the Senate Labor and Human Resources Committee about her work helping the elderly in Baltimore apply for Medicaid and Medicare benefits. (Adam Clymer, *Edward M. Kennedy: A Biography*, New York: William Morrow and Co., 1999, p. 372)
- 1968-70** Mikulski is a leading organizer of a grass roots movement that stops the construction of a planned major highway in downtown Baltimore. (Barbara Mikulski et al., *Nine and Counting: The Women of the Senate*, New York: Harper Collins, 2001, pp. 29-31)
- 1971** Mikulski is elected to the Baltimore City Council. She serves until 1976. (*Biographical Directory of the U.S. Congress*)
- 1974** Mikulski is an unsuccessful candidate for the U.S. Senate. (*Biographical Directory of the U.S. Congress*)
- 1976** Mikulski is elected to the U.S. House of Representatives as a Democrat from Maryland. She serves in the House for ten years. (*Biographical Directory of the U.S. Congress*)
- 1980** Mikulski supports EMK in his unsuccessful bid to wrestle the Democratic nomination for president from President Jimmy Carter. Mikulski is slated to nominate EMK at the Democratic national convention should he win. (Clymer, p. 372)
- 1986**
- Summer* Mikulski consults with EMK about possibly running for the Senate. EMK talks to her about the difficulties of a Senate campaign and suggests she contact political consultant Bob Shrum, EMK's former press secretary and speechwriter. She contacts Shrum and eventually enters the race. (Clymer, p. 372)

EMK endorses Mikulski in the Democratic primary for the U.S. Senate in Maryland. EMK, who does not normally take sides in primaries, reportedly backs Mikulski because she supported his run for president in 1980. He says that Mikulski will be “a powerful influence in the Senate.” (*The Washington Post*, 08/14/1986, 08/29/1986)

Fall Mikulski is elected to the U.S. Senate. She is the first Democratic woman senator to be elected in her own right. She and Nancy L. Kassebaum (R-KS) are the only women serving in the Senate at the time. (Mikulski et al., p. 117)

1987

January EMK lobbies successfully for Mikulski to be named to the Appropriations Committee. Mikulski is also named to the Labor and Human Resources Committee (later renamed the Health, Education, Labor, and Pensions Committee), which EMK chairs, and the Environment and Public Works Committee. (Clymer, p. 408; *1987 Congressional Staff Directory*)

March EMK, Mikulski, and seven other senators introduce legislation calling for the immediate release of all children being detained in South Africa under a new state of emergency law. (*The Washington Post*, 03/26/1987)

June In the aftermath of large anti-government demonstrations in South Korea, the Senate passes a non-binding resolution meant to pressure South Korean rulers to reopen a dialogue with political opponents and make democratic reforms. At the same time, EMK and Mikulski introduce legislation to impose economic sanctions against South Korea until it democratizes. Mikulski says of reported human rights abuses in South Korea: “This is not why Americans fought at Pork Chop Hill.” Although the Reagan administration backs the non-binding resolution, EMK criticizes it for not doing more to promote democracy in South Korea. He charges that the administration “tilts toward the regime” and “has shown its own contempt for the struggle for democracy.” (*The Washington Post*, 06/19/1987)

October The Senate passes a bill to provide the elderly with insurance against catastrophic illness. The measure entitles Medicare beneficiaries to increased nursing home coverage, an outpatient drug benefit, and places limits on out of pocket expenses. The bill includes an amendment offered by EMK and Mikulski that guarantees that if one spouse enters a nursing home, the other would not be left impoverished. The amendment enables the at-home spouse to keep up to \$12,000 in assets and \$750 a month without those assets being counted in determining Medicaid eligibility. EMK argues that if the amendment is not passed: “150,000 spouses will be bankrupt, lose all their life savings.” (*The Washington Post*, 10/28/1987, 11/08/1987)

1988

July President Ronald W. Reagan signs the Medicare Catastrophic Coverage Act. The measure, the largest expansion of the federal Medicare program since its inception in 1965, caps the amount Medicare beneficiaries are required to pay for hospital services and provides Medicare's first prescription drug coverage for outpatient prescription-drug costs. Medicare beneficiaries are required to pay for the new coverage through higher premiums, including a supplemental premium tied to taxable income. (1988 *Congressional Quarterly Almanac*, p. 281)

1989

August The Senate Labor and Human Resources Committee approves national service legislation (S 1430). Senate Majority Leader George J. Mitchell (D-ME), EMK, Mikulski, and several other Senate Democrats work on the \$300 million bill which includes a package of national and community service programs. During negotiations over the bill, Mikulski tries to contact First Lady Barbara Bush about the Bush administration's plans for national service legislation, as President George Bush had made national service a major theme of his 1988 campaign. After Mikulski fails to get a response, she says: "I didn't even get a note back. I don't think this is a priority for them." The House Education and Labor Subcommittee approves a bill to authorize additional money for Youth Service Corps programs (HR 717). Neither bill goes any further. (1989 *Congressional Quarterly Almanac*, p. 195)

November After senior citizens protest having to pay the entire costs of the 1988 Medicare Catastrophic Coverage Act, especially the means-tested supplemental premium, Congress repeals most of law's new benefits. The Medicaid anti-spousal impoverishment benefit enhancement sponsored by Mikulski and EMK is left in place. (1989 *Congressional Quarterly Almanac*, p. 149)

1990

February EMK, Mikulski, and Senator John F. Kerry (D-MA) announce they will be introducing legislation to cut off U.S. military and related economic aid to El Salvador until the country improves its human rights policies. (*The Washington Post*, 02/07/1990)

August The Senate Labor and Human Resources Committee approves a bill (S 2857) to authorize funding for various National Institutes of Health (NIH) programs. Mikulski, who a few days earlier had unveiled the Senate version of the Women's Health Equity Act, which was sponsored by the Congressional Caucus for Women's Issues, wins funding for several NIH programs specifically designed to improve research into women's health issues. Among other things, the bill creates an Office of Women's Health Research and Development within NIH; establishes an NIH research program in gynecology; requires the NIH to use women and minorities in clinical trials; and requires the NIH director to make an annual

report to Congress on research on women's health issues. According to Mikulski, "The NIH has let [women] down and we're asking for a new prescription." S 2857 also includes provisions sponsored by Senator Tom Harkin (D-IA) authorizing funding for new research centers to study contraception and infertility. (*1990 Congressional Quarterly Almanac*, pp. 600-03)

The NIH issues new guidelines for the inclusion of women and minorities in clinical studies. (*1990 Congressional Quarterly Almanac*, p. 603)

September On the 10th, NIH officials announce that they will create an office to study women's health issues. (*1990 Congressional Quarterly Almanac*, p. 603)

On the 26th, the House Energy and Commerce Committee approves an NIH funding bill (HR 5661) that contains provisions to increase federal research on women's health concerns. It would establish an NIH office to identify women's health needs, create research centers to study contraception and fertility, and mandate the use of women and minorities in clinical trials. (*1990 Congressional Quarterly Almanac*, p. 604)

October On the 19th, the Senate approves S 2857 by voice vote after striking Harkin's provisions to fund new research centers to study contraception and infertility. On the Senate floor, EMK tells Harkin that his language was dropped after Republican abortion opponents threatened to block debate on the bill. (*1990 Congressional Quarterly Almanac*, p. 603)

Facing a certain presidential veto, sponsors of the NIH bill modify it considerably, removing many of the provisions intended to promote research on women's health. The Bush administration objects to overturning the ban on certain types of fetal research and to the creation of new research centers to study infertility because it believes the measures will encourage abortions. On the 26th and the 27th, the House and then the Senate approve this stripped-down version of the NIH bill. EMK declares that a full NIH reauthorization bill, complete with provisions for improving research on women's health, will be a priority for the Senate Labor and Human Resources Committee in 1991. Bush signs the bill into law on November 16th. (*1990 Congressional Quarterly Almanac*, pp. 600, 604)

1991

January On the 12th, the Senate votes 52 to 47 to authorize Bush to wage war to force Iraq to withdraw from Kuwait and comply with U.N. resolutions. Both EMK and Mikulski vote against the resolution. (*1991 Congressional Quarterly Almanac*, p. 2-S)

Spring EMK's nephew, William Kennedy Smith, is charged with sexual battery in Palm Beach. EMK had been with Smith earlier on the night in question and is later called to testify at the Smith trial in December. (Clymer, pp. 488-491)

July The House (274-144) approves a bill (HR 2507) to reauthorize the two largest of the National Institutes of Health, lift a Bush administration ban on research on aborted fetuses, provide statutory authority for the new Office of Research on Women's Health, and require the inclusion of women and minorities in most clinical testing. Bush threatens to veto any measure that lifts the ban on medical testing on aborted fetuses. NIH legislation is not voted on by the Senate Labor Committee or the full Senate in 1991. (*1991 Congressional Quarterly Almanac*, p. 346)

October The Senate Labor and Human Resources Committee unanimously approves a higher education bill (S 1150) to increase loan amounts, loosen eligibility standards for loans and guarantee full federal funding for higher education for eligible students beginning in 1997. The Labor Committee acts days after the House Education and Labor Committee passes an even more generous bill (HR 3553) which, among other things, would make higher education grants an immediate entitlement. EMK champions the bill. He says that student aid programs "may be just one step ahead of disaster." He contends that the new bill would "mean new opportunities for millions of children from working families." During committee debate, Senator Paul Simon (D-IL) and Senator Dave Durenberger (R-MN) criticize the idea of making higher education an entitlement and propose to stop subsidizing banks and create a direct federal loan program to make college more affordable. EMK says he would consider trying their proposal as a demonstration project. Mikulski apparently supports the proposal, but says she would vote against it as a demonstration project, calling it "typical politics as usual to cool out anyone with an idea." Neither the House nor the Senate higher education bill reaches the floor in 1991. (*1991 Congressional Quarterly Almanac*, pp. 365, 371-72)

1992

February The Senate Labor and Human Resources Committee approves the NIH reauthorization bill (HR 2507), with EMK and Mikulski voting for it. (*1992 Congressional Quarterly Almanac*, p. 414)

The Senate approves its higher education bill (S 1150). In March, the House passes its version of the higher education bill (HR 3553). The two bills are very similar and House-Senate conferees agree on a compromise bill in June, which is subsequently approved by both chambers. (*1992 Congressional Quarterly Almanac*, p. 438)

April The Senate passes HR 2507 by a vote of 87 to 10. The final measure contains three Mikulski amendments. The first would authorize the NIH to purchase 300 acres in Maryland for another research center; the second would create a child care center for NIH employees; and the third would order studies of NIH hiring

and procurement practices. In May, the House adopts the conference report on HR 2507 by a vote of 260 to 148. (1992 *Congressional Quarterly Almanac*, p. 415)

June Bush vetoes HR 2507, which includes a provision lifting the ban on research on aborted fetuses and provisions promoting research on women's health issues. A day later the House fails to override the veto, coming up fourteen votes short (271-156) of the two-thirds majority needed to pass the bill. (1992 *Congressional Quarterly Almanac*, pp. 416-17)

July On the 23rd, Bush signs a comprehensive higher education bill (S 1150) that (among other things) raises loan limits, expands eligibility, caps interest rates and creates an unsubsidized student loan program. The bill is similar to the version of S 1150 passed by the Senate Labor and Human Resources Committee in 1991, but it does not contain a provision transforming higher education into an entitlement. The bill does establish a new direct loan demonstration program. Bush threatens to veto the bill because of the direct loan demonstration program, but he eventually agrees to sign it after EMK and House Education and Labor Committee chairman William Ford (D-MI) agree to drop a provision specifying that 500 schools be included in the demonstration project and substitute it with an aggregate loan amount of \$500 million. (1992 *Congressional Quarterly Almanac*, pp. 438, 454)

On the 29th, the Senate Labor and Human Resources Committee considers a modified NIH funding bill (S 2899). The new legislation does not contain Mikulski's provision authorizing the purchase of new land in Maryland and does not set specific funding levels for various programs. The bill would require researchers to first use fetal tissue from miscarriages and ectopic pregnancies rather than from elective abortions. The new bill would set specific funding amounts for research on breast cancer (\$325 million) and female reproductive cancer (\$75 million). Chairman EMK says of the new measure: "This is major legislation that should never have been vetoed in the first place. With these good faith revisions, it deserves to be enacted." The House also considers a new NIH funding bill (HR 5495) but does not vote on it. The Senate votes to limit debate on S 2899 in October, but does not vote on the actual bill. (1992 *Congressional Quarterly Almanac*, p. 417)

September The Senate Labor and Human Resources Committee approves a bill (S 1777) introduced by Mikulski to establish federal standards for mammograms. The House and Senate subsequently agree on a compromise version of the bill, the Mammography Quality Standards Act (MQSA), and Bush signs it into law in October. Mikulski later says of the bill: "Before the MQSA, women who suffered the tragedy of breast cancer were doubly victimized; by the disease itself and by faulty or misread tests." (1992 *Congressional Quarterly Almanac*, p. 436; *The New York Times*, 11/02/1995)

November On the 3rd, Mikulski is reelected to the U.S. Senate garnering 71% of the vote against Republican Alan Keyes. (*The New York Times*, 11/05/1992)

On the 10th, Mikulski is named assistant floor leader. (*1992 Congressional Quarterly Almanac*, p. 17)

1993

January On the 13th, the Supreme Court in *Bray v. Alexandria Women's Health Clinic* rules that a Reconstruction-era civil rights law, the Klu Klux Klan Act, cannot be used to issue injunctions against abortion clinic protestors. (*1993 Congressional Quarterly Almanac*, p. 354)

On the 22nd, Clinton issues an executive order allowing fetal tissue research on aborted fetuses. (*1993 Congressional Quarterly Almanac*, p. 358)

On the 26th, the Senate Labor and Human Resources Committee passes an NIH reauthorization bill (S 1) by a unanimous vote. The bill, sponsored by EMK, is similar to the one Bush vetoed in 1992 except for containing a new provision that would improve coordination of AIDS research. Among other things, S 1 would require the NIH to include more women and minorities in clinical research and employ more women scientists. It would also provide statutory authority for the NIH Office of Research on Women's Health and would authorize \$400 million for research on breast cancer and other gynecological cancers. (*1993 Congressional Quarterly Almanac*, p. 358)

February The Senate passes S 1, with a provision codifying rules that prevent immigrants with AIDS from coming to the United States. (*1993 Congressional Quarterly Almanac*, p. 358)

March On the 2nd, the House Energy and Commerce Committee approves its version of an NIH reauthorization bill (HR 4), which is very similar to S 1 except that it codifies Clinton's order lifting the ban on fetal tissue research. The House subsequently approves it. (*1993 Congressional Quarterly Almanac*, pp. 359-60)

On the 10th, Dr. David Gunn, who performed abortions in Florida, is shot to death. An abortion protestor is later arrested and tried for the shooting. (*1993 Congressional Quarterly Almanac*, p. 358)

May A House and Senate conference on S 1, which includes EMK, reaches agreement and files a conference report. Both the House and the Senate approve the conference report later in the month. The final bill codifies Clinton's order lifting the ban on fetal tissue research, bans immigration by HIV-infected foreigners, and contains the various provisions promoting women's health research. Clinton subsequently signs the bill into law. (*1993 Congressional Quarterly Almanac*, p. 363)

- June* The Senate Labor and Human Resources Committee votes (13-4) for a bill (S 636) to ensure the right of access to abortion clinics by making it a federal crime to use force or the threat of force to intimidate abortion clinic workers or women seeking abortions. EMK, the sponsor of the legislation, revises the measure to gain the backing of the administration and some Republicans on the committee. He broadens the bill to cover counseling centers that offer alternatives to abortions and allows an exception for the actions of parents or guardians of minor children. Mikulski votes for the bill. (1993 *Congressional Quarterly Almanac*, p. 355)
- August* The Senate (58-41) approves National Service legislation after the Democrats break a Republican filibuster and EMK reaches a compromise with Republican leaders over funding for the program. The final bill restricts spending to \$1.5 billion over three years and places a yearly cap on spending. EMK says: "National Service is what the effort to reinvent America is all about. The passage of this legislation marks the end of the 'me' era in American life." House and Senate conferees later approve the Senate funding limits and Clinton subsequently signs the bill into law. (1993 *Congressional Quarterly Almanac*, pp. 400-04)
- Fall* Senators Patty Murray (D-WA), Carol Moseley Braun (D-IL), Barbara Boxer (D-CA), Dianne Feinstein (D-CA), and Mikulski attend an EMK campaign fundraiser in Boston. In her remarks before an audience of about 1200 women, Mikulski recalls how EMK helped her get on the Appropriations Committee and calls him "one of the great Galahads of the United States Senate." She says of herself and her fellow female Democratic Senators: "we are pro-choice, we are pro-change, and we are pro-Teddy Kennedy We wanted to be there for Ted because Ted had always been there for us." (Clymer, p. 534)
- November* On the 16th, the Senate passes S 636 by a vote of 69 to 30. EMK leads the floor debate on the bill. He says: "The Constitution guarantees the right of a woman to end a pregnancy, but the violence and blockades are designed to make it impossible for women to exercise the right.... This legislation will protect women, doctors, and other health care providers from the tactics of violence and intimidation that are often used by anti-abortion activists." Senator Robert Dole (R-KS) allows the measure to come to a vote after EMK agrees to reduce the penalties for non-violent offenders. Several other amendments are also passed. One amendment, offered by Senator Orrin Hatch (R-UT), protects religious freedom and penalizes those who damage churches. Another EMK amendment stipulates that nothing in the bill is intended to interfere with a person's First Amendment rights. A third amendment, offered by EMK and Boxer, stipulates that nothing in the bill affects the right of states to regulate abortions. (Clymer, p. 535; 1993 *Congressional Quarterly Almanac*, p. 356)
- On the 18th, the House approves its version of the abortion clinic access bill (HR 796). The measure is similar to S 636, but it does not contain the Senate

amendments. The Senate and House do not agree on a compromise bill in 1993. (1993 *Congressional Quarterly Almanac*, p. 355)

1994

- April* House and Senate conferees reach agreement on abortion clinic access legislation. The compromise measure, proposed by EMK, includes the Senate bill's language protecting places of religious worship and lowering penalties for non-violent offenders while retaining the House version on several technical issues. (1994 *Congressional Quarterly Almanac*, p. 356)
- May* The Senate and House approve S 636 and Clinton signs it into law. (1994 *Congressional Quarterly Almanac*, p. 357)
- November* EMK defeats Mitt Romney in the Massachusetts Senate campaign. The campaign is one of EMK's toughest in years. (Clymer, pp. 549-558)
- December* Mikulski is elected secretary of the Democratic Conference. (1994 *Congressional Quarterly Almanac*, p. 17)

1995

- September* On the 11th, the Senate Appropriations subcommittee on Veterans Affairs (VA) and Housing and Urban Development (HUD) approves an \$81 billion funding bill for fiscal year 1996 for VA, HUD, and related agencies, about \$8.9 billion less than Congress had provided for fiscal year 1995. Mikulski, the ranking Democrat on the subcommittee, votes against the bill "citing objections to reduced spending in many accounts." Like a similar House bill passed earlier in the year, the Senate bill provides no money for the National Service program. Mikulski says: "I believe National Service creates an opportunity structure—community service in exchange for a college education. It fosters the spirit of neighbor helping neighbor that has made our country great." (1995 *Congressional Quarterly Almanac*, pp. 11-83, 11-88 to 11-89)
- On the 27th, the Senate passes the VA-HUD funding bill. EMK and Mikulski vote against it. The Senate rejects an amendment by Mikulski (47-52) to provide \$425 for the National Service program. On the Senate floor, Rick Santorum (R-PA) calls the program "welfare for the well-to-do." Mikulski defends the program, saying it is "not another hand-out." EMK calls the vote "a severe body blow" to National Service. (1995 *Congressional Quarterly Almanac*, pp. 11-89 to 11-90)
- November* On the 13th, a stalemate between Clinton and the Republican majority in Congress over the federal budget and the expiration of a stop gap spending bill leads to a shutdown of various federal agencies until the 19th. Clinton initially refuses to sign another temporary spending bill and Republicans expect the shutdown will force Clinton to agree to accept cuts in many federal programs and a balanced

budget within seven years. On the 20th, both sides agree to another stop gap spending bill. (*1995 Congressional Quarterly Almanac*, p. 1-11)

December On the 16th, several federal agencies are shut down for a second time as the second stop gap spending bill expires. The federal government is partly shutdown until January 6th. (*1995 Congressional Quarterly Almanac*, pp. 1-11, 1-14)

On the 18th, Clinton vetoes an \$80.6 VA-HUD funding bill for fiscal year 1996 because of various budget cuts, including the elimination of the National Service program. Most of the Department of Veterans Affairs is shut down until Congress passes a new temporary spending bill in January. (*1995 Congressional Quarterly Almanac*, pp.11-6, 11-83)

1996

Spring The House and Senate approve an \$82.4 VA-HUD funding bill as part of an omnibus fiscal 1996 spending bill. The measure appropriates \$402.5 million for the National Service program. Clinton signs the omnibus bill in April. (*1996 Congressional Quarterly Almanac*, p. 10-16)

December Mikulski is reelected secretary of the Democratic Conference. (*News Service Reports*, 12/04/1996)

1997

June Senators EMK, Mikulski, Moseley Braun, and Olympia Snowe (R-ME) introduce legislation to require the federal government to make an annual assessment of the athletic opportunities for women at colleges and universities and the overall state of women's athletics in higher education. EMK says that too many people "still believe that women and girls should be spectators in the grandstand, not participants on the playing field." (*Portland Press Herald* [Maine], 06/22/1997)

1998 Mikulski is reelected to the U.S. Senate. (*Biographical Directory of the U.S. Congress*)

1999

May Senators EMK, Mikulski, and Richard J. Durbin (D-IL) propose new legislation to toughen regulation of imported food. Their bill calls for increased funding for the U.S. Food and Drug Administration and would require overseas food processors and producers to establish safety measures comparable to those in the U.S. The legislation is unveiled the day after Senator Susan Collins (R-ME) proposes similar food import legislation but without the requirement that overseas safety measures be equivalent to domestic ones. Mikulski initially had worked with Collins to develop bipartisan food safety legislation, but differences about

foreign safety measures reportedly undermined it. (*The Associated Press*, 05/26/1999; *Portland Press Herald*, 05/30/1999)

2001

February EMK, Mikulski, and House Minority Whip David Bonior (D-MI) propose a bill to raise the federal minimum wage from \$5.15 an hour to \$6.65 an hour by the end of 2003. (*The Boston Globe*, 02/18/2001)

Winter Mikulski secures \$3 million in funding for community-building projects in Northern Ireland to be paid through the International Fund for Ireland. EMK, Senator Christopher J. Dodd (D-CT), and Patrick M. Leahy (D-VT) support her effort. (*The Boston Globe*, 12/25/2001)

2002

June EMK, Mikulski, and five other senators write a letter to Secretary of State Colin Powell urging the George W. Bush administration to reject a proposed deal with Libya under which the U.S. and the U.N. would agree to lift sanctions imposed against Libya for its role in the 1988 bombing of Pan Am flight 103 in exchange for Libya's agreeing to pay \$2.7 billion in compensation to the families of the victims and meeting other conditions. The letter calls on Libya to compensate the victims "unconditionally and directly." (*The Associated Press*, 06/05/2002)

October On the 11th, the Senate votes 77 to 23 to authorize President George W. Bush to use force against Iraq. Both EMK and Mikulski vote against the resolution. (*2002 Congressional Quarterly Almanac*, p. C-23)

2004 Mikulski is reelected to the U.S. Senate. (*Biographical Directory of the U.S. Congress*)

2005

April EMK and Mikulski are part of an unofficial congressional delegation to the funeral of Pope John Paul II in Rome. (*The Associated Press*, 04/05/2005)

The Senate approves legislation sponsored by Mikulski to expand a visa program to allow seasonal workers to return to their jobs. EMK calls the measure "must-pass legislation." He adds: "These special visas are a lifeline for small family businesses on Cape Cod and many other firms that rely overwhelmingly on seasonal workers to meet their heavy summer needs." (*The Associated Press*, 04/19/2005)

EMK'S INVOLVEMENT WITH ISSUES OF SPECIAL CONCERN TO WOMEN

Prepared by Mark D. Nevin

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Senator Edward M. Kennedy (EMK) has long been a leading advocate for women's rights and a prime mover in the passage of legislation of special concern to women. EMK has championed women's health concerns, equal educational opportunities for women, and an end to gender discrimination on the job. As chairman of the Senate Labor and Human Resources Committee (now the Health, Education, Labor, and Pensions Committee), EMK has introduced and supported important legislation of special concern to women, including an abortion clinic access bill and an NIH reauthorization bill that contained new funding for research on women's health issues. As a member of the Judiciary Committee, EMK has defended abortion rights and gender equality through his vetting of Supreme Court nominees. He led the opposition to Supreme Court nominee Robert Bork and voted against the nomination of Clarence Thomas to the Court. EMK helped win passage for other important legislation of special concern to women, including the family leave act and the repeal of a law banning women from flying combat missions.

EMK has not always been a stalwart liberal on women's issues. Clymer credits EMK's 1980 campaign for opening his eyes to women's issues and for changing his personal view of women. According to Clymer, EMK's meetings with various women's groups around the country transformed him into "a champion of women and of gays and lesbians." In the early 1970s, EMK publicly criticized abortion and opposed the ERA. He also did not have any women on his staff in policy positions. His own personal conduct has sometimes put him at odds with feminists. When he ran for president in 1980 he courted women's groups but did not receive their enthusiastic support. His personal conduct has also impaired his effectiveness as an advocate for women. EMK was not as outspoken or active as he might have been in his opposition to the Thomas nomination because of his involvement in the William Kennedy Smith rape trial.

The following timeline highlights some of the major legislation of special concern to women with which EMK has been involved.

1984-85 After the Supreme Court in *Grove City College v. Bell* narrows the ban on sex discrimination in federally funded schools and colleges under Title IX of the 1972 Education Amendments, EMK sponsors legislation (S 2568) to overturn the decision. The Court had ruled that Title IX anti-discrimination provisions applied only to programs or activities that received federal aid, but not to entire institutions. The new law would require that entire institutions must not discriminate if they received any federal aid. In October 1984, the Senate votes (53-45) to table the measure. The measure does not even reach the floor in 1985. (Clymer, pp. 374-75; *1984 Congressional Quarterly Almanac*, pp. 239-40)

1987

March EMK opens hearings on a bill (S 557) to overturn the *Grove City* decision. After two months of acrimonious debate and Republican sponsored procedural delays,

the Senate Labor Committee finally votes on the bill. It approves the bill 12 to 4. The bill is not voted on by the full Senate until 1988. (Clymer, pp. 410-11; *1987 Congressional Quarterly Almanac*, p. 281)

July EMK leads the fight against the nomination of Robert Bork to the Supreme Court. Less than an hour after the nomination is announced, EMK declares on the Senate floor that: "Robert Bork's America is a land in which women would be forced into back alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight raids . . . and the doors of the Federal courts would be shut on the fingers of millions of citizens for whom the judiciary is often the only protector of the individual rights that are at the heart of our democracy." According to Clymer, EMK's speech was the "most important and controversial floor speech of his career." EMK subsequently mobilizes anti-Bork forces, presses Bork during his confirmation hearings before the Judiciary Committee, and votes against the nomination. The Senate eventually rejects the nomination 42 to 58. (*1987 Congressional Quarterly Almanac*, p. 271; Clymer, pp. 417-27)

1988

January EMK manages the *Grove City* civil rights bill (S 557) on the Senate floor and opens debate on it by saying that the Supreme Court decision "placed at risk" gains made by women and other disadvantaged groups. The Senate passes the bill 73 to 14 (with only Republicans opposing it) but only after the insertion of highly controversial provision, sponsored by Senator John C. Danforth (R-MO), that curtailed some protections against women seeking abortion. The amendment superseded Title IX regulations that bar educational institutions from treating health insurance, leave policy, and other services related to abortion differently from services offered for pregnancy and childbirth. EMK says the bill "closes a major loophole in our civil rights law." After the House passes the bill, Reagan vetoes it, but Congress subsequently overrides the veto. (Clymer, pp. 432-33; *1988 Congressional Quarterly Almanac*, p. 63)

1990

February EMK, along with thirty-three other Senators and 123 House members, introduces legislation to undo a series of recent Supreme Court decisions making it harder for workers claiming job discrimination to sue and to allow victims of sexual harassment on the job to collect damages. The Senate Labor Committee approves the bill (S 2104) 11 to 5 in April. In response to Republican claims that the bill would force employers to adopt hiring quotas, EMK and Danforth draft a provision intended to eliminate the risk. EMK initially negotiates with the White House on the bill but bipartisanship eventually breaks down, and Bush vetoes the legislation after Congress approves it. Congress fails to override the veto. (*1990 Congressional Quarterly Almanac*, p. 462; Clymer, pp. 461-62)

August The Senate Labor and Human Resources Committee approves a bill (S 2857) to authorize funding for various National Institutes of Health (NIH) programs. Senator Barbara Mikulski (D-MD), who a few days earlier had unveiled the Senate version of the Women's Health Equity Act, which was sponsored by the Congressional Caucus for Women's Issues, wins funding for several NIH programs specifically designed to improve research into women's health issues. Among other things, the bill creates an Office of Women's Health Research and Development within NIH; establishes an NIH research program in gynecology; requires the NIH to use women and minorities in clinical trials; and requires the NIH director to make an annual report to Congress on research on women's health issues. According to Mikulski, "The NIH has let [women] down and we're asking for a new prescription." S 2857 also includes provisions sponsored by Senator Tom Harkin (D-IA) authorizing funding for new research centers to study contraception and infertility. The NIH subsequently The NIH issues new guidelines for the inclusion of women and minorities in clinical studies and creates an office to study women's health issues. (1990 Congressional Quarterly Almanac, pp. 600- 603)

October On the 19th, the Senate approves S 2857 by voice vote after striking Harkin's provisions to fund new research centers to study contraception and infertility. On the Senate floor, EMK tells Harkin that his language was dropped after Republican abortion opponents threatened to block debate on the bill. (1990 Congressional Quarterly Almanac, p. 603)

Facing a certain presidential veto, sponsors of the NIH bill modify it considerably, removing many of the provisions intended to promote research on women's health. The Bush administration objects to overturning the ban on certain types of fetal research and to the creation of new research centers to study infertility because it believes the measures will encourage abortions. On the 26th and the 27th, the House and then the Senate approve this stripped-down version of the NIH bill. EMK declares that a full NIH reauthorization bill, complete with provisions for improving research on women's health, will be a priority for the Senate Labor and Human Resources Committee in 1991. Bush signs the bill into law on November 16th. NIH legislation is not voted on by the Senate Labor Committee or the full Senate in 1991. (1991 Congressional Quarterly Almanac, p. 346)

1991

February EMK works with Senator Christopher Dodd (D-CT) and others to win passage of a family leave bill, which requires employers of 50 or more workers to offer them up to twelve weeks of leave without pay but with health insurance if they already had it. Republicans initially filibuster the bill to force a vote on President William J. Clinton's proposal to change the military policy on gays. But at EMK's urging Democrats attack Republicans for delaying the popular bill, and Republicans

subsequently agree to a separate vote on the family leave bill, which passes Congress and is signed by Clinton. (Clymer, pp. 521-22)

Summer A few months after the end of the Gulf War, EMK and Senator William Roth (R-DE) lead a successful effort to repeal the law banning women from flying combat missions. EMK says: "The issue is not whether women should be shot at. They already are—five women died from enemy fire during the gulf war. The real issue is whether women can shoot back. The issue is not whether women should fly high-performance aircraft. They already do. Women serve as instructors for combat pilots. The real issue is whether we select our combat pilots based on ability or gender." (Clymer, p. 485)

Summer-Fall Bush nominates Clarence Thomas to the Supreme Court to replace the retiring Justice Thurgood Marshall. During his confirmation hearings, EMK criticizes Thomas for refusing to address issues he had written about in his past, especially in regard to abortion. "The vanishing views of Judge Thomas have become a major issue in these hearings," he says. Years later EMK says of Thomas's assertion that he had never discussed *Roe v Wade*: "Either he was lying or stupid." A few days before the hearings begin Ricki Seidman, an aide to EMK on the Labor Committee, interviews Anita F. Hill, a law professor at the University of Oklahoma, about reports that Thomas had sexually harassed her when she worked for him at EEOC in the 1980s. Hill tells Seidman she is willing to talk about the sexual harassment, but wants her allegations kept confidential. EMK's Judiciary Committee staffers tell her that EMK cannot be involved. Hill contacts Judiciary Chairman Joseph Biden (D-DE) and is told that other committee members will not be notified about her allegations unless the FBI is permitted to investigate and Thomas is allowed to respond. After Hill agrees, the FBI investigates the allegations but their findings are inconclusive. The Senate Judiciary Committee deadlocks 7 to 7 on the Thomas nomination, with EMK voting against it. But the committee votes to send the nomination to the Senate without a recommendation. Only the committee's Democrats and Senator Strom Thurmond (R-SC) were aware of the FBI investigation at the time the committee voted. A few days later, the media reports Hill's allegation of sexual harassment against Thomas. In the face of public outcry, the Senate postpones the Thomas vote for a week and calls for a new round of hearings. During the three days of hearings, Hill testifies to Thomas' alleged harassment and Thomas categorically denies any of it happened. He calls the proceeding a "high-tech lynching." According to *Congressional Quarterly*, EMK and the other Democrats on the committee "made little effort to counterattack or defend Hill." Several other witnesses testify for both Hill and Thomas. The Senate eventually confirms Thomas to the Supreme Court by a vote of 52 to 48. On the day of the vote, EMK denounces the treatment Hill received before the committee. Senator Arlen Specter (R-PA) responds by saying: "We do not need characterizations like 'shame' in this chamber from the Senator from Massachusetts." According to Clymer, EMK "got the worst press of his career—some from his friends"—after the Thomas hearings. (Clymer, pp. 494-500, 1991 *Congressional Quarterly Almanac*, pp. 274-85)

1992

July

Bush vetoes an NIH funding bill (HR 2507), which includes a provision lifting the ban on research on aborted fetuses and provisions promoting research on women's health issues. After Congress fails to override it, the Senate Labor and Human Resources Committee considers a modified NIH funding bill (S 2899). The bill would require researchers to first use fetal tissue from miscarriages and ectopic pregnancies rather than from elective abortions. The new bill would set specific funding amounts for research on breast cancer (\$325 million) and female reproductive cancer (\$75 million). Chairman EMK says of the new measure: "This is major legislation that should never have been vetoed in the first place. With these good faith revisions, it deserves to be enacted." The Senate votes to limit debate on S 2899 in October, but does not vote on the actual bill. (*1992 Congressional Quarterly Almanac*, p. 417)

September

The Senate Labor and Human Resources Committee approves a bill (S 1777) introduced by Mikulski to establish federal standards for mammograms. The House and Senate subsequently agree on a compromise version of the bill, the Mammography Quality Standards Act (MQSA), and Bush signs it into law in October. Mikulski later says of the bill: "Before the MQSA, women who suffered the tragedy of breast cancer were doubly victimized; by the disease itself and by faulty or misread tests." (*1992 Congressional Quarterly Almanac*, p. 436; *The New York Times*, 11/02/1995)

1993

January

The Senate Labor and Human Resources Committee passes an NIH reauthorization bill (S 1) by a unanimous vote. The bill, sponsored by EMK, is similar to the one Bush vetoed in 1992 except for containing a new provision that would improve coordination of AIDS research. Among other things, S 1 would require the NIH to include more women and minorities in clinical research and employ more women scientists. It would also provide statutory authority for the NIH Office of Research on Women's Health and would authorize \$400 million for research on breast cancer and other gynecological cancers. The Senate and House subsequently pass different versions the NIH reauthorization bill, with the Senate adding with a provision codifying rules that prevent immigrants with AIDS from coming to the United States. (*1993 Congressional Quarterly Almanac*, p. 358)

May

A House and Senate conference on S 1, which includes EMK, reaches agreement and files a conference report. Both the House and the Senate approve the conference report later in the month. The final bill codifies Clinton's order lifting the ban on fetal tissue research, bans immigration by HIV-infected foreigners, and contains the various provisions promoting women's health research. Clinton subsequently signs the bill into law. (*1993 Congressional Quarterly Almanac*, p. 363)

June The Senate Labor and Human Resources Committee votes (13-4) for a bill (S 636) to ensure the right of access to abortion clinics by making it a federal crime to use force or the threat of force to intimidate abortion clinic workers or women seeking abortions. EMK, the sponsor of the legislation, revises the measure to gain the backing of the administration and some Republicans on the committee. He broadens the bill to cover counseling centers that offer alternatives to abortions and allows an exception for the actions of parents or guardians of minor children. Mikulski votes for the bill. (1993 *Congressional Quarterly Almanac*, p.355)

November On the 16th, the Senate passes S 636 by a vote of 69 to 30. EMK leads the floor debate on the bill. He says: "The Constitution guarantees the right of a woman to end a pregnancy, but the violence and blockades are designed to make it impossible for women to exercise the right.... This legislation will protect women, doctors, and other health care providers from the tactics of violence and intimidation that are often used by anti-abortion activists." Senator Robert Dole (R-KS) allows the measure to come to a vote after EMK agrees to reduce the penalties for non-violent offenders. Several other amendments are also passed. One amendment, offered by Senator Orrin Hatch (R-UT), protects religious freedom and penalizes those who damage churches. Another EMK amendment stipulates that nothing in the bill is intended to interfere with a person's First Amendment rights. A third amendment, offered by EMK and Boxer, stipulates that nothing in the bill affects the right of states to regulate abortions. (Clymer, p. 535; 1993 *Congressional Quarterly Almanac*, p. 356)

On the 18th, the House approves its version of the abortion clinic access bill (HR 796). The measure is similar to S 636, but it does not contain the Senate amendments. The Senate and House do not agree on a compromise bill in 1993. (1993 *Congressional Quarterly Almanac*, p. 355)

1994

April House and Senate conferees reach agreement on abortion clinic access legislation. The compromise measure, proposed by EMK, includes the Senate bill's language protecting places of religious worship and lowering penalties for non-violent offenders while retaining the House version on several technical issues. The Senate and House subsequently approve S 636 and Clinton signs it into law (1994 *Congressional Quarterly Almanac*, pp. 356-57)